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Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[MQ–703–Cotton, Supp. 3]

PART 722—COTTON

MARKE. NG QUOTA REGULATIONS FOR THE 1943–1944 MARKETING YEAR [1]

Sections 722.526 to 722.557 and amendments to §§ 722.511 to 722.524 are issued under the sections of the Agricultural Adjustment Act of 1938, as amended, indicated after each section hereof and Executive Order 9322 of March 26, 1943, amended by Executive Order 9334, of April 19, 1943.

1. Section 722.511 (b) is amended by deleting definition (2) and inserting in lieu thereof the following:

(2) "Administrator" means the Administrator or Acting Administrator of the War Food Administration.

2. Section 722.511 (b) is further amended by removing the period at the end of definition (27) and adding the following: ". . . as increased by 10 percent pursuant to § 722.516 (a)."

3. Section 722.519 (d) is amended by inserting immediately after the title the following new sentences: "Unmarketed cotton from previous crops which has not become carry-over penalty free cotton remains subject to the penalty applicable during the marketing year in which the cotton was produced. The rates of penalty for previous crops are as follows: 1938, 2 cents; 1939 and 1940, 3 cents; 1941, 7 cents; 1942, 8 cents."

4. Section 722.519 (d) is further amended by deleting the figure "1942" in the last sentence and inserting in lieu thereof the figure "1943."

5. Sections 722.511 (b) (12) to 722.524, inclusive, are amended by deleting the words "Secretary of Agriculture," wherever they appear, and inserting in lieu thereof the words "War Food Administrator."

6. The above-mentioned regulations (MQ–703–Cotton, as amended), are hereby supplemented by the addition of the following provisions:

FARM MARKETING QUOTAS

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722.526 Apportionment of farm marketing quotas among producers.

MEASUREMENT OF FARMS

722.527 Provision for measuring farms.
722.528 Identification of farms and report of measurements.

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[1] Sections 722.511 to 722.525 issued December 31, 1942, 8 F.R. 49; amended February 17, 1943, 8 F.R. 2223; and March 6, 1943, 8 F.R. 6326.

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AUTHORITY: §§ 722.526 to 722.557, inclusive, issued under the sections of the Agricultural Adjustment Act of 1938, as amended, indicated after each section hereof, and E.O. 9322 as amended by E.O. 9334, 8 F.R. 3807, 5423.

§ 722.526 *Apportionment of farm marketing quotas among producers*—(a) *Establishment of producer marketing quotas.* The county committee shall apportion to each producer on a farm for which a farm marketing quota (hereinafter referred to as "farm quota(s))" is established a share of the farm quota, which shall be known as a "producer marketing quota" (hereinafter referred to as "producer quota(s))." The sum of all producer quotas for any farm shall be the sum of the following: (1) the amount of the normal production or the actual production, whichever is the greater, of the farm acreage allotment, and (2) the amount of any carry-over penalty free cotton.

(b) *Initial apportionment of producer quotas.* The producer quota for each producer shall first be determined, as soon as practicable after measurements are made for the farm, to be that proportion of the normal production of the farm acreage allotment for the farm which his share of the acreage planted to cotton in 1943 on the farm bears to the total acreage planted to cotton in 1943 on the farm. If measurements for any farm cannot be made, the initial producer quota for each producer shall be the amount determined by dividing the normal production of the farm acreage allotment for the farm equally among all producers on the farm.

(c) *Intermediate reapportionment of producer quotas.* If an intermediate adjustment in the farm quota based on actual production is made as set forth in § 722.519 (c), the amount by which the farm quota is increased above the normal production of the acreage allotment shall be divided among the producers on the farm whose shares in the actual production thereon at that time exceed the amounts of the producer quotas apportioned to them under paragraph (b) in the proportion that each producer's excess production bears to the total amount of the excess production for all producers, provided that any producer quota as so increased shall not exceed the amount of the producer's share in the actual production at that time.

(d) *Final reapportionment of producer quotas.* After all cotton produced in 1943 on the farm is harvested and the amount of the farm quota is finally determined, the producer quota apportioned under paragraph (b) to any producer whose share in the actual production on the farm plus his carry-over penalty cotton is less than such producer quota shall be reduced to the amount of his share in the actual production plus his carry-over penalty cotton, and the reduced amount shall be his final producer quota. The amount by which such producer quotas were reduced, if any, plus the amount by which the farm quota is increased above the normal production of the acreage allotment shall be distributed to the other producers on the farm as hereinafter provided and the amount so distributed to each such producer, if any, plus the amount apportioned to him under paragraph (b) shall be his final producer quota.

(1) The amount available for distribution, or so much thereof as is necessary to provide a producer quota for each producer equal to his share in the actual production on the farm, whichever is the smaller, shall be divided among those producers on the farm whose shares in the actual production thereon exceed the amounts of the producer quotas apportioned to them under paragraph (b). Such division shall be made in the proportion that each such producer's excess production bears to the total amount of the excess production for all such producers.

(2) The remaining portion, if any, of the amount available for distribution, or so much thereof as is necessary to provide a producer quota for each producer equal to his share in the actual production on the farm plus the amount of his carry-over penalty cotton, whichever is the smaller, shall be divided among those producers who have carry-over penalty cotton which, together with their shares in the actual production on the farm, exceeds the sum of the amounts apportioned to them under paragraph (b) and subparagraph (1) of this paragraph. Such division shall be made in the proportion which each such producer's share in the actual production on the farm bears to the total production of all such producers.

(3) The remaining portion, if any, of the amount available for distribution shall be divided among the persons on the farm who are not engaged in the production of cotton in 1943, in the proportion that they have carry-over penalty cotton.

(e) *Adjustments in producer quotas to provide for special conditions.* If any producer on a farm complains in writing to the county committee, or if the county committee upon its own motion finds, that the apportionment of the farm quota to producers, as originally determined under paragraph (b), or as adjusted under paragraph (c) or (d), is not fair and reasonable, because of variations in productivity, the acreage planted to cotton by each producer, crop failure, or any other cause, and the county committee had good ground to believe that any complaint so made is well-founded, it shall review that apportionment made under paragraph (b) or (c) or (d) as the case may be, and if it finds that such apportionment is not fair and reasonable it shall reapportion the farm quota among the various producers on the farm in a manner which, in view of all the facts adduced, is fair and reasonable for all producers on the farm.

(f) *Carry-over penalty free cotton.* There shall be added to and made a part of any producer quota, as determined in accordance with this section, the amount of any carry-over penalty free cotton which the county committee determines, in accordance with applicable instructions, that the producer had on hand at the beginning of the marketing year.

(g) *Underplanted farms in connection with which no producer has carry-over penalty cotton.* Notwithstanding any other provisions of this section, if no producer on an underplanted farm has any carry-over penalty cotton, each producer shall be entitled to a share of the farm quota equal to the amount of his share in the cotton produced thereon in 1943 plus the amount of any carry-over penalty free cotton which he had on hand at the beginning of the marketing year. The county committee shall not apportion the farm quota for such farm among the producers thereon, as provided in the foregoing provisions of this section, unless and until an excess marketing card is to be issued to a producer on the farm. (Sec. 375 (b), 52 Stat. 66)

MEASUREMENT OF FARMS

§ 722.527 *Provision for measuring farms.* The county committee shall provide for the measuring of each farm in the county for which a farm acreage allotment was established, or on which cotton is planted in 1943. The measuring of any farm shall be done in accordance with the established procedure used by the Agricultural Adjustment Agency. (Sec. 374, 52 Stat. 65)

§ 722.528 *Identification of farms and report of measurements.* The county committee shall assign to each farm, as operated in the calendar year 1943, a farm serial number for the 1943–1944 marketing year, which shall not be changed, and all records pertaining to marketing quotas for the marketing year for such farm shall be identified by the farm serial number. The county committee shall keep a record of the measurements made on all farms and shall file with the State committee a written report, setting forth for each overplanted farm (1) the farm serial number, (2) the name of the operator, (3) the total acreage in cultivation, (4) the farm acreage allotment, (5) the acreage planted to cotton in 1943, and (6) the farm normal yield. (Sec. 374, 52 Stat. 65)

MARKETING CARDS AND MARKETING CERTIFICATES

§ 722.529 *Issuing white marketing cards*—(a) *Producers eligible to receive white marketing cards.* As soon as practicable after measurements have been made, as provided in § 722.527, the county committee shall, except as provided in paragraph (b) of this section

and § 722.554 (b), cause a person designated by it to sign marketing cards and certificates on behalf of the county committee (hereinafter referred to as the "issuing officer") to issue a white marketing card (form Cotton 711) (hereinafter referred to as "white card") to the operator of each underplanted farm on which the county committee determines that there is no producer who has carry-over penalty cotton and, unless the county committee finds that it will not serve a useful purpose, to other producers on the farm. Each white card shall show (1) the name and address of the operator, (2) the name and address of the producer, if other than the operator, to whom issued, (3) the names of the State and county and the serial number of the farm, (4) the signature of the issuing officer, and (5) the counter-signature of the operator or other producer to whom the white card is issued, or his duly authorized agent.

(b) *Producers not eligible to receive white cards.* A white card shall not be issued to any producer who is engaged in the production of cotton on any overplanted farm in the county or who has carry-over penalty cotton, except as provided for in § 722.553. If the county committee, or the State committee, determines that the issuance of an excess marketing card rather than the issuance of a white card to any producer with respect to any farm is necessary to enforce the provisions of the Act, a white card shall not be issued to or for him and an excess marketing card shall, in the manner otherwise provided for in these regulations, be issued to him and, if the county committee finds it necessary, to any other producer on any farm in which he has an interest as a cotton producer.

(c) *Certificate that a white card was issued.* The county committee shall, upon request, issue a certificate on form Cotton 411–A to any producer to whom a white card was issued and who desires to market cotton by telephone, telegraph, letter or by any means or method other than directly to and in the presence of the buyer or transferee. Each certificate on form Cotton 411–A shall show (1) the name and address of the operator or producer to whom issued, (2) the names of the State and county and the code number thereof and the serial number of the farm, (3) the serial number of the white card issued to the producer for the farm, and (4) the signature of the issuing officer. (Sec. 375 (a), 52 Stat. 66)

§ 722.530 *Issuing excess marketing cards*—(a) *Producers eligible to receive excess marketing cards.* As soon as practicable after it has been determined that (1) the farm is an overplanted farm, or (2) any producer thereon has any carry-over penalty cotton, or (3) the farm cannot be measured, the county committee shall issue an excess marketing card (form Cotton 712) (hereinafter referred to as "excess card") to each producer on the farm. Any excess card so issued shall show (1) the name and address of the operator, (2) the name and address of the producer, if other than the operator, to whom issued, (3) the names of the State and county and the code number thereof and the serial number of the farm, (4) the signature of the issuing officer, (5) the countersignature of the operator or other producer to whom issued, or his duly authorized agent, and (6) the amount of the producer quota for the producer as first determined under § 722.526 (b), exclusive of any amount of carry-over penalty free cotton pledged by him to secure a Commodity Credit Corporation loan. The total of all producer quotas or the farm quota, as evidenced by the excess card or cards issued under this paragraph, shall not be greater than the normal production of the farm acreage allotment for the farm plus the amount of carry-over penalty free cotton designated to be marketed in connection with the farm, exclusive of any amount of carry-over penalty free cotton pledged as security for a Commodity Credit Corporation loan. An excess card shall likewise be issued to any person who is not engaged in cotton production in 1943 but who was engaged in the production of cotton in any prior marketing year and who has carry-over penalty free cotton, or carry-over penalty cotton, and any such excess card shall show the information specified above except that in lieu of the producer quota the amount of such cotton which may be marketed without penalty shall be shown thereon. When the county committee determined that cotton is being produced during the crop year 1943 on a new farm for which no farm quota can be established it shall issue an excess card to each producer on the farm showing thereon the word "None," or the amount of carry-over penalty free cotton which the producer has on hand which is not pledged as security for a Commodity Credit Corporation loan. Any excess card issued shall be accompanied with the certificates on forms Cotton 713 which are required to be executed as provided in these regulations by the producer and the buyer or transferee.

(b) *Appointment of operator to receive excess card in trust for all producers.* In cases where more than one person shares in the acreage planted to cotton in 1943 or is entitled to share in the farm quota, an excess card may be issued to the operator in trust for all of such persons for the full amount of the farm quota as determined under § 722.519 (b) and the amount by which the farm quota is increased pursuant to § 722.519 (c): *Provided*, That all such persons on the farm, including the operator, agree on form Cotton 524 that an excess card may be so issued to the operator. In case an excess card is so issued to the operator, any penalties incurred by him and all other persons on the farm which are not in fact collected by the buyer or transferee of cotton marketed in connection with the farm shall be paid by the operator. The operator to whom an excess card is issued under this paragraph shall nevertheless make available to each person on the farm the amount of the producer quota to which such person is entitled under § 722.526 and such operator shall report to the county committee, as provided in § 722.550 (d), the distribution of the farm quota among the producers on the farm. No agreement pursuant to this paragraph shall be recognized by the county committee if it has reason to believe that the customary or actual marketing practices on the farm are inconsistent with the agreement or that the rights of any person would be prejudiced by the issuance of the excess card to the operator. Nothing contained in this paragraph shall be construed to relieve, or shall relieve, any person of the liability for the payment of penalties incurred by him or to relieve, or shall relieve, the buyer of cotton of his liability to collect and remit any penalties as required by the regulations in this part.

(c) *Issuing excess cards on the basis of an increase in or additional reapportionment of the farm quota.* (1) If the farm quota for the farm is increased above the normal production of the farm acreage allotment on the basis of the actual production thereof and is apportioned or reapportioned among the producers thereon, or the farm quota for the farm is not so increased but is reapportioned among the producers thereon on the basis of the actual production, the issuing officer may enter in the space provided on the excess card previously issued to each producer the amount by which his producer quota was increased pursuant to § 722.526 as a result of the additional apportionment or reapportionment of the farm quota. If an excess card was issued to the operator of the farm in trust for all producers on the farm, as provided in paragraph (b), and the farm quota for the farm is increased as provided in § 722.519 (c), the issuing officer may enter in the space provided on the excess card previously issued to the operator the amount by which the farm quota is increased. The increase in the quota shall be evidenced further by entering the word "Additional" in the heading of the first unused certificate on form Cotton 713 and by entering thereon the amount by which the quota was increased, plus the unused portion of the quota for which the excess card originally was issued. The excess card and form Cotton 713 as altered in this manner shall be valid only if the excess card is signed and dated and form Cotton 713 is initialed by the issuing officer. Any other increases in the amount of the producer or farm quota shall be evidenced by an additional excess card issued to the producer or operator, as the case may be. An additional excess card issued under this paragraph shall be accompanied with the certificates on form Cotton 713 and shall otherwise show information comparable to that provided to be shown on the excess card originally issued to the producer under paragraph (a), or to the operator under paragraph (b), except that the word "Additional" shall be endorsed in bold characters across the face of the excess card.

(2) In the event a portion or all of a producer quota previously determined for a producer and evidenced by an ex-

cess card or cards issued to him is reapportioned among other preducers on the farm, as provided in § 722.526, the county committee shall deduct the portion so reapportioned from the amount shown on the excess card or cards and the accompanying certificates on forms Cotton 713 previously issued to the producer by entering thereon the amount deducted and the amount of the reduced producer quota which is in excess of the amount of cotton previously marketed by or for the producer. The reduction in the amount of the producer quota shall be evidenced further by the signature or initials of the issuing officer opposite the entry on the excess card. Any excess card issued to any producer shall be returned by him to the county committee at the time a portion or all of this producer quota is reapportioned. In the event any producer fails or refuses to deliver to the county committee, within 15 calendar days after the date of a request in writing to do so, any excess card issued in evidence of a producer quota, a portion or all of which was reapportioned, the county committee shall forthwith cancel such marketing card and notify the producer that the marketing card is void and of no effect by depositing written notice of the cancelation in the United States mails, registered and addressed to the producer at his last-known address. A copy of such notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. The county committee shall immediately notify the ginners and buyers in the county that the marketing card is canceled and shall also notify the county committee of each adjoining county, which shall in turn notify the ginners and buyers in their respective counties.

(3) The farm quota or the total of all producer quotas with respect to any farm, as evidenced by excess cards issued under this paragraph and paragraph (a) or (b), shall not be greater than the amount of the farm quota for the farm determined as provided for in § 722.519. (Sec. 375 (a), 52 Stat. 66)

§ 722.531 *Issuing marketing cards for cotton pledged as security for a Commodity Credit Corporation loan.* If any producer to whom an excess card was issued desires to market any carry-over penalty free cotton which is pledged as security for a Commodity Credit Corporation loan, the issuing officer shall, upon the producer's request, issue to him an excess card for the amount thereof which he desires to market. If the cotton so pledged is carry-over penalty cotton, the amount thereof shall be identified when marketed by the producer by the marketing card or cards issued to him as otherwise provided by these regulations. (Sec. 375 (a), 52 Stat. 66)

§ 722.532 *Issuing marketing cards for multiple forms*—(a) *Issuing white cards.* In case a producer is engaged in 1943 in the production of cotton on more than one farm in a county (hereinafter referred to as the "multiple farm producer") and all such farms are underplanted farms and the producers thereon do not have any carry-over penalty cotton, separate white cards shall be issued by the county committee for each of such farms in accordance with the provisions of § 722.529.

(b) *Issuing excess cards.* A multiple farm producer who has carry-over penalty cotton shall designate in writing for the marketing year one or more of his farms in connection with which the carry-over penalty cotton is to be marketed and thereafter, for the purposes of this paragraph, each farm so designated shall be treated as an overplanted farm for the purpose of issuing excess cards. In the event the producer fails or refuses to designate the farm or farms in connection with which the carry-over penalty cotton will be marketed, the county committee shall designate the farm or farms for this purpose and the designation so made shall be final and conclusive unless, within 15 days after the mailing of the notice of the designation to the producer, the producer designates in writing a different farm or farms in connection with which the carry-over penalty cotton will be marketed. In case all of the farms in the county on which the producer is engaged in 1943 in the production of cotton are overplanted farms, separate excess cards shall be issued as provided in § 722.530 by the issuing officer to all producers on each of such farms. In case one or more but not all of the farms in the county on which the producer is engaged in 1943 in the production of cotton are overplanted farms, marketing cards shall be issued as follows:

(1) No marketing cards shall be issued to or for the multiple farm producer with respect to any underplanted farm, except that, upon his request an excess card for the amount of his producer quota in connection therewith may be issued to him. White cards may be issued to all other producers on such underplanted farms unless the county committee finds that, in order to enforce the provisions of the Act, an excess card shall be issued to all producers, including the multiple farm producer, for such underplanted farms.

(2) An excess card shall be issued, as provided in § 722.530, to the multiple farm producer and to all other producers on each overplanted farm.

(c) *Farms in other counties.* Notwithstanding any other provisions of this section, if an excess card is issued to a producer who is engaged in 1943 in the production of cotton on farms in more than one county, the procedure outlined in this section for issuing marketing cards for multiple farms in a county shall be followed with respect to all such farms in a State if the county committees of the respective counties so agree, or if the State committee has reason to believe that the procedure would be necessary in order to enforce the provisions of the Act. If such a procedure is followed, the State committee may require any producer so affected to file with it a list of all farms on which he is engaged in 1943 in the production of cotton, together with other pertinent data which are deemed to be necessary in enforcing the Act. (Sec. 375 (a), 52 Stat. 66)

§ 722.533 *Lost, destroyed, or stolen marketing cards or certificates*—(a) *Report of loss, destruction, or theft.* In case any marketing card or certificate issued to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) the name of the operator of the farm for which such marketing card or certificate was issued; (2) the name of the producer to whom the marketing card or certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or certificate; (4) the kind of marketing card or certificate; and (5) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or certificate was in fact lost, destroyed, or stolen, it shall cancel such marketing card or certificate by giving notice to the producer to whom the card or certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, it shall issue to or for him a marketing card or certificate of the same kind and bearing the same name, information, and identification as the lost, destroyed, or stolen marketing card or certificate. If the marketing card found to have been lost, destroyed, or stolen was an excess card, the issuing officer shall enter on the duplicate marketing card a deduction for the amount of the cotton which the county committee determines was marketed by or for the producer to whom the marketing card was issued. Each marketing card or certificate issued under this section shall bear across its face in bold characters the word "Duplicate." In case a marketing card or certificate is canceled as provided for in this section, the county committee shall immediately notify the ginners and buyers in the county or in the immediate vicinity that the marketing card or certificate is canceled and of the issuance of any duplicate. A report of the findings and action of the county committee shall be kept among its records. Any ginner or buyer or any other person coming into possession or control of a canceled marketing card or certificate shall immediately return it to the county committee which issued it. (Sec. 375 (a), 52 Stat. 66)

§ 722.534 *Cancelation of marketing cards or certificates issued in error.* In the event any marketing card or certificate was erroneously issued, the producer to whom it was issued shall, upon request, forthwith return it to the county committee and it shall be forthwith cancelled by the county committee by endorsing thereon in bold characters the notation "Canceled." The county committee shall notify the producer that

it is void and of no effect by depositing written notice of the cancelation in the United States mails, registered and addressed to the producer at his last-known address. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. The county committee shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate is canceled. (Sec. 375 (a), 52 Stat. 66)

IDENTIFICATION OF COTTON

§ 722.535 *Time and manner of identification.* Each producer who markets cotton which is subject to the regulations in this part shall, at the time of marketing the cotton, identify the cotton as subject to or not subject to the marketing restrictions and penalties provided in the Act by presenting to the buyer or transferee the marketing card or certificate issued to or for the producer with respect to the cotton. Each buyer or transferee who buys or receives cotton from the producer thereof shall, at the time the cotton is marketed to him, require the producer to present the marketing card or certificate issued to or for the producer with respect to the cotton. All cotton marketed by a producer without the identification prescribed in these regulations shall be taken by the buyer or transferee thereof as cotton in excess of the marketing quota, and the buyer of such cotton shall, and the transferee of such cotton may, collect and remit the marketing penalty. (Sec. 375 (a), 52 Stat. 66)

§ 722.536 *Identification by white cards*—(a) *Cotton marketed directly to and in the presence of the buyer or transferee.* A white card shall, when presented to the buyer or transferee by the producer to whom it was issued, be accepted by the buyer or transferee as evidence to him that the cotton with respect to which the white card was issued may be marketed without payment or collection of any penalty at the time of marketing.

(b) *Cotton not marketed directly to and in the presence of the buyer or transferee.* In cases where the marketing of cotton is effected by telephone, telegraph, or mail, or by any means or method other than directly to and in the presence of the buyer or transferee, a certificate on form Cotton 411–A, properly executed by the county committee and the producer to whom it was issued, shall, when presented by the producer to the buyer or transferee, be accepted by the buyer or transferee as evidence to him that the cotton may be marketed without the payment or collection of any penalty at the time of marketing. (Sec. 375 (a), 52 Stat. 66)

§ 722.537 *Identification by excess cards*—(a) *Cotton marketed directly to and in the presence of the buyer or transferee.* An excess card, together with the accompanying certificates on form Cotton 713, shall, when presented to the buyer or transferee by the producer to whom they were issued, be accepted by the buyer or transferee as evidence to him that the cotton with respect to which the excess card was issued is cotton the marketing of which is not subject to the marketing penalty until the amount identified by such excess card and marketed thereunder is equal to the farm or producer quota shown on such card and thereafter as evidence to him of the fact that such cotton is cotton the marketing of which is subject to the marketing penalty.

(b) *Cotton not marketed directly to and in the presence of the buyer or transferee.* In cases where the marketing of cotton is effected by telephone, telegraph, or mail, or by any means or method other than directly to and in the presence of the buyer or transferee, a certificate on form Cotton 713, properly executed by the producer to whom it was issued, shall, when presented by the producer to the buyer or transferee, be accepted by the buyer or transferee as evidence to him that an excess card was issued to the producer and that so much of the cotton identified by the certificate which is not in excess of the unused farm or producer quota shown thereon is not subject to the marketing penalty and that so much of the cotton identified thereby which is in excess of the unused farm or producer quota shown thereon is subject to the marketing penalty. (Sec. 375 (a), 52 Stat. 66)

§ 722.538 *Identification of long staple cotton.* A certificate on Form 1, "Cotton Classification Memorandum," or Form A, "Sample Cotton Classification Memorandum," executed by the Board of Cotton Examiners of the War Food Administration, to the effect that the staple of cotton covered by such memorandum is 1½ inches or more in length shall, when presented by the producer to the buyer or transferee, be accepted by the buyer or transferee as evidence to him that cotton covered thereby is not subject to the penalty. A form Cotton 527, issued by the county committee to the producer, shall, when presented to the buyer or transferee in connection with the marketing of Sea Island or American-Egyptian cotton, be accepted by the buyer or transferee as evidence to him that cotton covered thereby is not subject to the penalty: *Provided,* That such cotton has been or will be ginned on a roller gin and that both the producer and the buyer or transferee certify that to the best of their knowledge and belief such cotton staples or will staple, when ginned on a roller gin, 1½ inches or more in length. (Secs. 350 and 375 (a), 52 Stat. 60 and 66)

PENALTIES

§ 722.539 *Amount of penalties.* The rate of penalty is 50 percent of the basic rate of the Commodity Credit Corporation loan on cotton for cooperators for the marketing year. The rate of penalty for the 1943–1944 marketing year shall be ____ cents per pound.[2] Any producer who markets cotton during the current marketing year in excess of the farm quota, or in excess of his share of such quota, as the case may be, shall be subject to such penalty for each excess pound marketed regardless of the year in which the cotton was produced. However, any unmarketed cotton at the end of the 1942–1943 marketing year which, if marketed during such marketing year would have been subject to penalty, shall be converted as provided in § 722.519 (d).

All cotton which is not identified, as provided in these regulations, at the time of marketing, as free of marketing penalties or which is marketed without the use of the means of identification prescribed in these regulations shall be taken to be in excess of the farm quota, and the amount of the penalty to be collected thereon by the buyer or transferee shall be an amount equal to the 1943–1944 rate of penalty multiplied by the number of pounds marketed. (Secs. 348, 372, 52 Stat. 59, 65 as amended by 55 Stat. 203)

§ 722.540 *Payment and collection of penalties*—(a) *Time when penalties become due.* The penalty shall be due at the time the cotton is marketed by sale, barter, exchange, or gift inter vivos. Cotton shall be deemed to be sold when either title to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of the cotton by actual or constructive delivery or the transferer has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift inter vivos when there is an actual or constructive delivery of the cotton to the transferee during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as seed cotton or lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from cotton for the purpose of marketing such article.

(b) *Persons liable for collection and payment of penalties.* The penalty in connection with the marketing of cotton by sale to any person within the United States shall be collected by the buyer at the time of sale. The penalty in connection with the marketing of cotton by sale to any person not within the United States or by barter or exchange or gift inter vivos shall be paid by the producer. In the case of a barter or exchange or gift inter vivos, the penalty may be collected by the person to whom such cotton is transferred, if the producer and the transferee of such cotton agree, as evidenced by the form Cotton 713 covering the transaction, that the penalty shall be collected by the transferee as in the case of the marketing of cotton by sale to any person within the United States. The penalty, if any, due in connection with the marketing of any cotton

[2] The rate of penalty will be computed as of August 1, 1943, and included in a supplement to these regulations.

produced on any farm for which a white card is issued shall not be collected by the buyer or transferee of such cotton but shall be paid by the producer. The penalty, if any, due upon cotton marketed in processed form within the meaning of paragraph (a) shall be paid by the producer or, if the producer and the buyer or transferee agree, the buyer or transferee of the article of trade into which the cotton was converted may collect and remit the penalty.

(c) *Payment of a penalty prior to the marketing of cotton.* Any penalty which would be incurred by any producer upon the marketing of cotton may be paid prior to the time such cotton is marketed, and the treasurer of the county committee for the county in which such cotton was produced shall receive the penalty as in the case of other penalties.

(d) *Manner of collection.* The penalty may be collected by the buyer by receiving the amount thereof from the producer or by deducting from the purchase price of the cotton the amount of the penalty due with respect to the marketing thereof. The penalty may be collected by the transferee by receiving the amount thereof from the producer.

(e) *Issuance of receipts for penalties collected.* Any buyer or transferee of cotton who, as provided for in paragraph (b), collects the penalty with respect to the marketing of cotton shall issue a receipt to the producer from whom the penalty is collected. (Secs. 372 and 375, 52 Stat. 65 and 66)

§ 722.541 *Remittance of penalties to the treasurer of the county committee*—(a) *Time of remittance.* The penalty shall be remitted not later than 30 calendar days next suceeding the day on which the cotton was marketed by the producer. For and on behalf of the War Food Administrator, the treasurer of the county committee for the county in which the farm on which the cotton was produced is located, or the treasurer of the county committee to whom the report in connection with cotton marketed without the use of the means of identification prescribed by these regulations is made, shall receive the penalty and issue to the person remitting the penalty a receipt therefor on form Cotton 419 or form Cotton 419–A.

(b) *Form of remittance.* The penalty shall be remitted only in legal tender or by draft, check, or money order drawn payable to the order of the Treasurer of the United States. All drafts, checks, or money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par, and any receipt issued in connection therewith as provided for in paragraph (a) shall bear a notation to that effect and a description of the draft, check, or money order.

(c) *Interest in case of delayed remittance.* There shall be due and remitted interest on the amount of penalty due at 6 per centum per annum from the date next succeeding the day on which the cotton was marketed by the producer until the date of remittance in case the remittance is not made within 30 calendar days after the cotton was marketed. (Sec. 372, 52 Stat. 65)

§ 722.542 *Refunds of money in excess of the penalty*—(a) *Conditions under which refunds may be made.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any person who has paid money in connection with the marketing of cotton for the farm, shall review the amount of money paid in connection with the marketing of cotton to determine whether the amount so paid is in excess of that due as the penalty for one or more of the following reasons:

(1) The money was received in connection with the marketing of cotton which was not marketed in excess of the farm or producer marketing quota as finally determined or apportioned;

(2) The money was received in connection with the marketing of cotton produced on a farm for which the farm quota was increased by a determination of a review committee appointed by the War Food Administrator or as a result of a court review of the determination of the review committee;

(3) The money was received in connection with the marketing of cotton produced in 1943 on a farm for which a farm acreage allotment was established for such year and on which the total amount of lint cotton produced in 1943 did not exceed 1,000 pounds;

(4) The money was received in connection with the marketing of cotton the staple of which is 1⅛ inches or more in length;

(5) The money was received in connection with the marketing of cotton grown for experimental purposes only by a publicly owned agricultural experiment station; or

(6) The money was received through error.

No refund of money shall be made under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the secretary of the State committee but has not been covered into the general fund of the Treasury of the United States. No refund of money shall be made unless and until the interest of every person on the farm in the money received in connection with the marketing of cotton is determined. No refund of money shall be made if it is determined that the amount thereof was collected or remitted by the buyer in connection with the marketing of cotton which was not identified when marketed by or for the producer thereof by a marketing card or certificate as provided in these regulations, unless and until all records and reports in connection therewith are made and the producer establishes the fact that the burden of the payment of the penalty was borne by him. No refund shall be made to any buyer of any funds received from him which he collected or remitted or was under a duty to collect or remit in connection with cotton purchased by him.

(b) *Determination of amounts of refunds.* The county committee and the treasurer of the county committee shall determine the total amount of the penalty incurred with respect to the marketing of cotton in excess of the farm quota for the farm, and, on the basis of the apportionment or reapportionment of the farm quota among the producers on the farm, shall determine the total amount of money received from each producer and the total amount of the penalty incurred by each producer in connection with the marketing of cotton with respect to the farm. If money has been received in connection with the marketing of cotton by any person other than the producer by or for whom it was produced, and the person from whom the money was received has been reimbursed therefor, either by deducting the amount thereof from the purchase price of the cotton or otherwise, any refund under this section shall be made to the person who actually bore the burden of the payment. If the person from whom the money was received has not been reimbursed therefor, no refund under this section shall be made to him for so much of the money received as may be necessary to cover the amount of the penalty incurred with respect to the marketing of the cotton. If the money received with respect to the farm is in excess of the total amount of the penalty incurred by the several producers in connection with the farm, the county committee and the treasurer of the county committee shall determine for each person the amount borne by him which is in excess of that due as the penalty and which, insofar as the sum in excess of the penalty incurred with respect to the farm and the amount of such excess due other producers on the farm will permit, may be certified for refund to such person. If the county committee and the treasurer of the county committee find that the money received with respect to the farm is not in excess of the total amount of the penalty incurred, no refund under this section shall be made. The total amount of any refunds under this section shall not exceed the amount by which the total collections for the farm exceed the total penalties incurred by the producers on the farm. The county committee shall make or require to be made any investigation or hold any hearing it deems necessary for a proper settlement of any case arising under this section.

(c) *Certification of refunds.* At least one member of the county committee, acting for the committee, and the treasurer of the county committee shall certify to the State committee the amount which the county committee and the treasurer of the county committee determined may be refunded to each person with respect to the farm. The secretary of the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved. (Sec. 372 (b), 52 Stat. 65)

§ 722.543 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with the marketing of cotton shall be scheduled and transmitted by him on the day received, or not later than the morning of the next

succeeding business day, to the secretary of the State committee, who shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (hereinafter referred to as "special deposit account"). In the event the funds so received are in the form of cash, the treasurer of the county committee shall purchase a postal money order in the amount thereof, payable to the order of the Treasurer of the United States. The expense incurred by the treasurer of the county committee in purchasing postal money orders shall be paid by him in accordance with existing procedure from the funds provided for the administrative expenses of the county agricultural conservation association. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the names of the producer or producers who marketed the cotton in connection with which the funds were remitted. As soon as practicable after the farm quota for any farm has been finally apportioned or reapportioned among the producers thereon as provided in § 722.526, the county committee and the treasurer of the county committee shall review the amount of the funds received for the farm and notify the secretary of the State committee of the amounts thereof which are penalties to be covered into the general fund of the Treasury of the United States and the amounts thereof tendered in excess of the amount due as the penalty. The secretary of the State committee shall cause to be scheduled for transfer from the special deposit account and covered into the general fund of the Treasury of the United States the amount of the penalties so determined. Whenever a treasurer of the county committee is succeeded in office, the secretary of the State committee shall cause the records and accounts of the former treasurer to be audited. (Sec. 372 (b), 52 Stat. 65)

§ 722.544 *Refund of penalties.* Whenever, pursuant to a claim filed with the War Food Administrator within the time prescribed by law after payment to him of the penalty collected from any person, the War Food Administrator finds the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the War Food Administrator finds the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed with the War Food Administrator pursuant to this Section shall be made in accordance with regulations prescribed by him. (Sec. 372 (c), 52 Stat. 204, 54 Stat. 728)

§ 722.545 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county committee to report in writing to the State committee forthwith each case of failure or refusal to pay or collect the penalty or to remit the same to the War Food Administrator when collected. It shall be the duty of the State committee to report each such case in writing in quintuplicate to the War Food Administration, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided for in section 376 of the Act. (Sec. 376, 52 Stat. 66)

RECORDS AND REPORTS

§ 722.546 *Records to be kept and reports to be submitted by ginners*—(a) *Nature of record and report.* Each ginner shall, in conformity with section 373 (a) of the Act, keep the records and make the reports hereinafter prescribed which the War Food Administrator hereby finds to be necessary in order to carry out, with respect to cotton, the provisions of Title III of the Act. The records shall be kept and the reports shall be made in accordance with forms prescribed by the Chief and shall show the following information with respect to each bale or lot of cotton ginned by the ginner or marketed or delivered to him for any purpose: (1) the serial number of the farm on which the cotton was produced; (2) the date of ginning or, in the case of seed cotton marketed by the producer, the date of marketing; (3) the name of the operator of the farm on which the cotton was produced; (4) the name of the producer of the cotton; (5) the county and State in which the farm on which the cotton was produced is located; (6) the gin bale number or mark; (7) the gross weight of each bale or lot of cotton less than a bale ginned by the ginner, together with the share, expressed in pounds, of each producer having an interest in such cotton; (8) in the case of seed cotton marketed by the producer, the number of pounds of such cotton and the estimated or known amount of lint cotton therein, together with the share, expressed in pounds, of each producer having an interest in such cotton; (9) the nature of the bagging and ties used on each bale; (10) the name of any person other than the producer, but including the ginner, for whom the cotton is ginned; and (11) in the case of seed cotton marketed by the producer, the serial number of the marketing card or certificate by which such cotton was identified when marketed. In the case of seed cotton marketed by the producer to some person other than the ginner, the report of the ginner may consist of the original of the report referred to in § 722.547 (k), which was prepared by the person to whom such seed cotton was marketed and the record of the ginner may consist of the copy of such report.

(b) *Time of making reports.* The ginning record provided for in paragraph (a) shall be made for each period beginning with the first day of each month and ending on the fifteenth day of such month, and for each period beginning with the sixteenth day of each month and ending on the last day of such month, during which any cotton from the 1943 crop or prior crop is ginned by the ginner, or during which he acquires any seed cotton from the producer or any other person. The record shall be delivered as a report to the treasurer of the county committee for the county in which the gin is located not later than five calendar days next succeeding the last day of the period covered by the report. A copy of such record shall be retained by the ginner for a period of not less than two calendar years beyond the calendar year in which the marketing year ends.

(c) *Penalty for failure or refusal to keep records or make reports.* Any ginner failing to keep any record or make any report as required by this section or making any false record or report shall, as provided for in section 373 (a) of the Act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense. (Sec. 373 (a), 52 Stat. 65)

§ 722.547 *Records to be kept and reports to be submitted by buyers*—(a) *Necessity for records and reports.* Each person who buys seed cotton or lint cotton from the producer thereof shall, in conformity with section 373 (a) of the Act, keep the records and make the reports the War Food Administrator hereby finds to be necessary to enable him to carry out with respect to cotton the provisions of Title III of the Act.

(b) *Nature of and availability of records.* Each buyer shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale, or any lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) the name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, or lot of cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under these regulations and the amount of any penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or certificate by which the cotton was identified when marketed. It shall be presumed that the cotton was not identified in the manner provided in these regulations if the serial number of the marketing card or certificate does not appear on the records required by this paragraph. The record so made shall be kept available for examination and inspection by the War Food Administrator, or by any authorized representative of the War Food Administrator, for a period of not less than two calendar years be-

yond the calendar year in which the marketing year ends, for the purpose of ascertaining the correctness of any report made or record kept pursuant to these regulations, or of obtaining the information required to be furnished in any report pursuant to these regulations but not so furnished. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of form Cotton 520 which may be used by him for the purpose of keeping the record required pursuant to this paragraph.

(c) *Reports in connection with cotton not identified by marketing cards or certificates.* The buyer of cotton which is not identified in the manner provided by these regulations when marketed shall, with respect to each purchase, make a written report on form Cotton 530 of the following information: (1) the name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton; (4) the net weight of each bale, or lot of cotton less than a bale; and (5) the amount of the penalty collected in connection with the cotton purchased. The report shall be executed in triplicate, one copy shall be given to the producer, one copy thereof shall be retained by the buyer, and the buyer shall mail or deliver the postal card copy thereof to the treasurer of the county committee whose address appears thereon.

(d) *Reports in connection with cotton identified by forms Cotton 411–A.* The buyer of cotton which is identified when marketed by a certificate on form Cotton 411–A, as provided in § 722.536 (b), shall make a report in connection with the transaction by executing the original and postal card copy of the certificate on form Cotton 411–A and by mailing or delivering the postal card copy thereof to the treasurer of the county committee whose address appears thereon. The original of form Cotton 411-A shall be retained by the buyer.

(e) *Reports in connection with cotton identified by excess cards.* The buyer of cotton which is identified when marketed by an excess card, as provided in § 722.537 (a); shall make a report in connection with the transaction by executing the accompanying certificate on form Cotton 713 in triplicate by entering thereon, in the spaces provided, the following information: (1) the amount, if any, of the unused portion of the farm or producer quota; (2) the amount of lint cotton purchased from the producer in the particular transaction, which, in the case of baled cotton, shall be determined by deducting the weight of the bagging and ties from the gross weight and, in the case of seed cotton, shall be determined from the known or estimated amount of lint in the seed cotton; (3) that part of the farm or producer quota shown on the excess card and not marketed previously which remains after deducting therefrom the amount of lint cotton purchased from the producer in the particular transaction, or, if no such remainder exists after the deduction, the amount of lint cotton purchased from the producer in the particular transaction which is in excess of the farm or producer quota shown on the excess card which was not marketed previously; (4) the amount of the penalty, if any, which is due with respect to the lint cotton marketed in the particular transaction; (5) the gin bale numbers or marks of the cotton purchased in the particular transaction, or, in case cotton is purchased in the seed, the number of pounds of seed cotton followed by the words "pounds of seed cotton"; (6) the date on which the cotton was purchased; (7) the name of each producer having an interest in the cotton purchased and his share therein expressed in pounds; (8) the fact that the penalty due with respect to the lint cotton was or was not collected; (9) the State and county code number and the farm serial number; and (10) the name and address of the buyer and the name and address of the producer to whom the excess marketing card was issued. After the entries described above are made, the certificate on form Cotton 713 shall be signed by the buyer and producer, both of whom shall certify to the correctness of the entries. One copy of form Cotton 713 so executed shall be retained by the producer, the original thereof shall be retained by the buyer, and the buyer shall mail or deliver the postal card copy to the treasurer of the county committee whose address appears thereon. The buyer of cotton which is identified when marketed by the certificate on form Cotton 713, as provided in § 722.537 (b), for cases where cotton is marketed by telephone, telegraph, or mail, or by any means or method other than directly to and in the presence of the buyer, shall make a report on form Cotton 713 in connection with the transaction in every respect as provided above with the exception that the information to be shown thereon shall be entered by the producer and examined by the buyer and the correctness thereof certified by both of them and that the copy thereof to be retained by the producer shall not be signed by the buyer.

(f) *Long staple cotton.* The buyer of cotton the staple of which is 1⅛ inches or more in length and which is identified by a Form 1 or Form A executed by the Board of Cotton Examiners, as provided for in § 722.538, shall make a report in connection with the transaction by executing in triplicate the certificate on form Cotton 521 to the effect that the cotton was so identified and by retaining the original thereof, delivering a copy thereof to the producer and mailing or delivering the postal card copy thereof to the treasurer of the county committee whose address appears thereon. In the case of cotton not identified by a Form 1 or a Form A executed by the Board of Cotton Examiners, the buyer shall make a report as provided in paragraph (c), (e), or (g), as the case may be, except that in lieu thereof, if Sea Island or American-Egyptian cotton is marketed by a producer to whom a form Cotton 527 is issued, a report on such form Cotton 527 in connection with the transaction shall be acceptable, provided that the cotton has been or will be ginned on a roller gin and the buyer and the producer certify on such form that to the best of their knowledge and belief such cotton staples or will staple, when ginned on a roller gin, 1½ inches or more in length. Such report on form Cotton 527 shall be made by executing the form in triplicate, retaining the original thereof, delivering a copy thereof to the producer, and mailing or delivering the postal card copy thereof to the treasurer of the county committee whose address appears thereon. A report pursuant to this paragraph (g) shall not be required if the cotton is identified when marketed by a white card, which is not marked "Penalty Secured," issued to the producer.

(g) *Receipts to producers for penalties.* Where the cotton is marketed directly to and in the presence of the buyer and is identified by an excess card, the copy of the executed form Cotton 713 retained by the producer shall be the receipt from the buyer to the producer for the penalty collected. Where the producer presents to the buyer a receipt, or receipts, describing the cotton purchased in the particular transaction, executed by the treasurer of the county committee on form Cotton 419–A, as evidence of the fact that the penalty in connection therewith was paid in advance, as provided in § 722.540 (c), the buyer shall not collect the penalty and shall show in the records and reports otherwise required of him that the penalty was not collected and shall retain the original of the receipt on form Cotton 419–A. Where the cotton is not identified at the time of marketing, the producer's copy of the executed form Cotton 530 shall be the receipt from the buyer to the producer for the penalty collected. In all other cases where a penalty is required to be collected by the buyer, the buyer shall execute and deliver to the producer a receipt for the penalty. The buyer shall report the giving of each such receipt to the producer by forwarding a copy of the receipt to the treasurer of the county committee.

(h) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than fifteen calendar days next succeeding the day on which the cotton covered thereby was marketed.

(i) *Buyer's special reports.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with these regulations, the buyer shall, within fifteen days after a written request therefor by such committee is deposited in the United States mails, registered and addressed to him at his last-known address, make a report verified as true and correct by affidavit on form Cotton 520 to such committee with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the fol-

lowing information for each bale, or lot of cotton less than a bale, purchased by such buyer: (1) the name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, or lot of cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under these regulations and the amount of any penalty collected in connetion with the cotton purchased from the producer; and (6) the serial number of the marketing card or certificate by which the cotton was identified when marketed.

(j) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the War Food Administrator, each report required pursuant to this section. Each report shall be delivered directly to the said treasurer or addressed to him and deposited in the United States mails. Notwithstanding any other provisions of this paragraph, each report on form Cotton 530 in connection with the purchase of cotton marketed without the use of the means of identification provided by these regulations may be mailed or delivered directly to the treasurer of the county committee from whom the unexecuted copy of the form was obtained and whose name and address appear on the postal card copy thereof.

(k) *Reports of seed cotton.* Each person who buys any seed cotton shall report to the treasurer of the county committee in the following manner the following information and keep the following records on forms prescribed by the Chief with respect to all seed cotton acquired by him: (1) the serial number of the farm on which the cotton was produced; (2) the serial number of the marketing card or certificate by which the cotton was identified when marketed; (3) the name of the operator of the farm on which the cotton was produced; (4) the name of each producer having an interest in the cotton; (5) the county and State in which the cotton was produced; (6) the number of pounds of seed cotton; (7) the estimated or known amount of lint cotton; and (8) the date on which the seed cotton was marketed. The report of seed cotton marketed shall be prepared in triplicate, and one copy shall be retained by the person acquiring the cotton and the original and one copy shall be delivered to the ginner at the time the cotton is ginned. The report of seed cotton marketed shall be in addition to any other report which is required pursuant to the provisions of these regulations.

(l) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of purchasing cotton from producers who fails to keep any record or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the Act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense. (Sec. 373 (a), 52 Stat. 65)

§ 722.548 *Records to be kept and reports to be submitted by transferees.* Each transferee who acquires seed cotton or lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.547 with the exception of the buyer's special report pursuant to paragraph (i) thereof, in every case in which the penalty is collected by the transferee, as provided for in § 722.540 (b), or in which any seed cotton is acquired, and in every other case shall execute the applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him pursuant to § 722.550. (Sec. 375 (b), 52 Stat. 66)

§ 722.549 *Records to be kept by warehousemen and others.* Each warehouseman, processor, compressor, common carrier, and other person, as defined in section 373 (a) of the Act, who buys, stores, compresses, transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof shall make available, for examination and inspection by the War Food Administrator, or by any authorized representative of the War Food Administrator, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to these regulations, or of obtaining the information required to be furnished in any report pursuant to these regulations but not so furnished. The War Food Administrator, in conformity with section 373 (a) of the Act, hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of Title III of the Act. (Sec. 373 (a), 52 Stat. 65)

§ 722.550 *Records to be kept and reports to be submitted by producers—* (a) *Necessity for records and reports.* Each person who produces in 1943, or who produced in any previous year, cotton which is subject to the provisions of these regulations shall, in conformity with section 373 (b) of the Act, keep the records and make the reports prescribed by this section, which records and reports the War Food Administrator hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of Title III of the Act.

(b) *Farms for which white cards are issued.* The operator of each farm for which one or more white cards were issued shall keep a record and, upon request of the county committee, submit a report for the farm showing the amounts of (1) cotton ginned, (2) seed cotton marketed, and (3) seed cotton on hand. The operator of such farm shall not otherwise be required to report the production and disposition of the cotton unless request therefor is made by the county committee as provided in paragraph (d), or unless any cotton marketed is identified by a certificate on form Cotton 411–A, as provided in § 722.536 (b), in which latter event the producer marketing the cotton shall execute the certificate on form Cotton 411–A in the manner provided therein, retain a copy thereof as a record of the transaction, and forward the original and postal card copy thereof to the buyer or transferee to enable him to keep the record and make the report required pursuant to § 722.547 (d) or § 722.548 as the case may be.

(c) *Farms for which excess cards are issued.* Each producer to whom an excess card is issued shall keep the following records and make the following reports in connection with all cotton marketed by him:

(1) *Cotton marketed by sale.* The producer shall, as provided in § 722.537, in each case where cotton is marketed by sale to any person within the United States, identify the cotton to the buyer with the excess card issued in connection therewith and the applicable certificate on form Cotton 713 and shall execute such certificate in the manner provided therein to enable the buyer of the cotton to keep the record and make the report required of the buyer pursuant to paragraph (e) of § 722.547. A copy of each certificate so executed on form Cotton 713 shall be retained by the producer as a record of the transaction and shall be kept readily available for examination or inspection by the War Food Administrator or an authorized representative.

(2) *Cotton marketed by barter or exchange or gift "inter vivos."* The producer shall, as provided in § 722.537, in each case where cotton is marketed by barter or exchange or gift "inter vivos," identify the cotton to the transferee with the excess card issued in connection therewith and the applicable certificate on form Cotton 713 and shall execute such certificate with the transferee in the manner provided therein. The original of such certificate shall be delivered to or retained by the transferee. A copy of such certificate shall be retained by the producer as a record of the transaction. The remaining copy which is addressed to the treasurer of the county committee shall be mailed or delivered by the producer to the treasurer of the county committee, except that, if the penalty is collected by the transferee, the remaining copy shall be delivered to or retained by the transferee to be transmitted to the treasurer of the county committee as provided in § 722.548. Each report required by this subparagraph shall be made by the producer to the treasurer of the county committee for the county in which the cotton was produced not later than fifteen calendar days next succeeding the day on which the cotton covered thereby was marketed.

(3) *Cotton marketed to persons not within the United States.* The producer shall execute the certificate on form Cotton 713 in the manner outlined in

§ 722.547 (e) in each case where cotton is marketed to any person not within the United States and shall indicate in the space provided thereon for the signature of the buyer or transferee that the buyer or transferee is a person not within the United States. The producer shall retain one copy of each certificate so executed, and the original and the postal card copy thereof addressed to the treasurer of the county committee for the county in which the cotton was produced shall be forwarded by the producer to the treasurer not later than fifteen calendar days next succeeding the day on which the cotton was marketed.

(4) *Long staple cotton.* The producer shall not use the white card marked "Penalty Secured" or the excess card issued to him in any case where cotton the staple of which is 1½ inches or more in length is marketed but shall, as provided in § 722.538 identify the cotton by a certificate from the Board of Cotton Examiners on Form 1 or Form A or a form Cotton 527 issued to him. He shall keep a record of each transaction by retaining one copy of the form Cotton 521, executed as provided in § 722.547 (f), or in case Sea Island or American-Egyptian cotton is identified when marketed by form Cotton 527, by retaining a copy thereof, executed in connection with the transaction, as provided in § 722.547 (f).

(5) *Processed cotton.* Each producer by or for whom cotton is marketed in processed form within the meaning of § 722.540 (a) shall keep a record and make a report, in accordance with forms prescribed by the Chief, of the following information for each bale or lot of cotton produced by or for him, which is converted into an article of trade: (1) the gin bale number or the bale mark or other information showing the origin or source of the cotton and, in the case of seed cotton which was not ginned, the number of pounds of seed cotton; (2) the number of pounds of lint cotton in each bale, or lot of cotton less than a bale, or the known or estimated amount of lint in the seed cotton; (3) the serial number of the farm on which the cotton was produced; (4) the date on which the cotton entered into the process by which it was converted into an article of trade; and (5) the amount of the penalty, if any, incurred and the amount thereof remitted to the treasurer of the county committee, as provided in §§ 722.540 and 722.541. The report shall be made to the treasurer of the county committee not later than fifteen calendar days after all cotton in which the producer has an interest in connection with the farm is marketed or not later than March 1, 1944, whichever is the earlier. If all cotton in which he has an interest as a producer in connection with the farm was not marketed prior to March 1, 1944, the report shall be known as a preliminary report, and the producer shall thereafter file with the treasurer of the county committee an additional report of the information specified in this subparagraph not later than fifteen calendar days after all cotton in which he has an interest as a producer in connection with the farm is marketed or not later than August 1, 1944, whichever is the earlier.

(d) *Farm operator's report.* The operator of each overplanted farm, or of each farm in connection with which any producer has carry-over penalty cotton, or of each farm for which excess cards are issued to or for the producers thereon or of each farm for which the marketing cards or certificates prepared for issuance to or for the producers thereon were not accepted or used in identifying cotton as provided in these regulations, or, upon request of the county committee, the operator of any other farm, shall file with the treasurer of the county committee for the county in which the farm is located, not later than fifteen calendar days after all cotton in connection with the farm was marketed or not later than sixty days after the marketing of cotton is normally substantially completed in the county, whichever is the earlier, a report on form Cotton 717 showing for the farm and for each producer thereon and for each person for whom carry-over cotton was designated to be marketed in connection therewith the following information: (1) the total number of pounds of cotton produced in 1943 and the total number of pounds ginned; (2) the total number of pounds of carry-over penalty free cotton and carry-over penalty cotton on hand at the beginning of the marketing year and the amount thereof, if any, pledged to secure a Commodity Credit Corporation loan; (3) the total amount of cotton marketed in the seed; (4) the amount of cotton marketed; (5) the amount of penalty paid by the producer or collected by the buyer or transferee; (6) the amount of unmarketed cotton on hand; (7) the name and address of each buyer and transferee on such cotton and the amount thereof marketed to him; (8) the name and address of each ginner who ginned such cotton and the number of and net weight of the bales ginned by him; and (9) the acreage planted to cotton on the farm. In the event the total amount of cotton in connection with the farm was not marketed prior to sixty days after the marketing of cotton is normally substantially completed in the county the report shall be known as a preliminary report, and the operator shall thereafter make an additional report to the county committee on form Cotton 717 of the information specified in this paragraph not later than fifteen calendar days after all cotton in connection with the farm is marketed or not later than August 1, 1944, whichever is the earlier. The date on which the marketing of cotton is normally substantially completed in the county shall be determined by the State committee, taking into consideration recommendations which the county committee may make.

(e) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive for and on behalf of the War Food Administrator, each report required pursuant to this section. Each report shall be delivered directly to such treasurer or addressed to him and deposited in the United States mails.

(f) *Inspection of unmarketed cotton.* If the county committee has reason to believe that any cotton reported by any producer to be unmarketed has in fact been marketed, or if the committee has reason to believe that the records cannot be properly completed otherwise, such committee shall provide for the inspection of such producer's cotton or of documents evidencing title thereto, by one or more of its members or one of its officers or employees or any person duly designated as a representative of the War Food Administrator. If, upon the basis of such inspection, the county committee finds that all or part of the cotton not reported by such producer as marketed is not in the actual or constructive possession of the producer, or if the producer fails or refuses to permit the inspection of his cotton or of documents evidencing title thereto, the amount of the producer's cotton which the county committee finds the producer has not reported as having been marketed, less the amount of such producer's cotton which such committee finds to be in the actual or constructive possession of such producer, shall be presumed to have been marketed. (Sec. 375 (b), 52 Stat. 66)

§ 722.551 *Data to be kept confidential.* Except as otherwise provided herein, all data reported to or acquired by the War Food Administrator pursuant to and in the manner provided in these regulations shall be kept confidential by all officers and employees of the War Food Administration, members of county committees, other local committees, and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction, covered by the particular data, record, information, report, or form, and only such data so reported or acquired as the War Food Administrator deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the Act and then only in a suit or administrative hearing under Title III of the Act. (See 373 (c), 52 Stat. 65)

§ 722.552 *Enforcement.* It shall be the duty of the county committee to report in writing to the State committee forthwith each case of failure or refusal to make any report or keep any record as required by these regulations and each case of making any false report or record. It shall be the duty of the State committee to report each such case in writing, in quintuplicate, to the War Food Administration with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of Title III of the Act. (Sec. 376, 52 Stat. 66)

SPECIAL PROVISIONS AND EXEMPTIONS

§ 722.553 *Securing payment of the penalties upon request*—(a) *Methods of securing the penalty.* The county com-

mittee may, upon request of the owner or operator of any overplanted farm or any farm on which a producer has carry-over penalty cotton, estimate the amount of the penalty which may become due with respect to the marketing of cotton in excess of the farm quota for the farm, and the penalty with respect to the marketing of such cotton may be paid as provided for in paragraph (g): *Provided*, That either (1) a good and sufficient bond of indemnity on form Cotton 623 is executed and filed with the treasurer of the county committee in an amount not less than the amount of the estimated penalty for which the producers having an interest in the cotton in connection with the farm would otherwise be liable, or (2) an amount of money not less than the amount of such estimated penalty is deposited with the Treasurer of the United States to be held in escrow to secure the payment of any penalty which might accrue, or (3) warehouse receipts for a quantity of cotton equal to or greater than the estimated excess production are deposited with the county committee to be held in escrow, or (4) an amount of cotton of the 1943 crop equal to or greater than the estimated excess production is placed in the Commodity Credit Corporation loan at 60 per centum of the full loan rate.

A bond of indemnity or funds to be held in escrow shall not be accepted for any farm for which it is estimated that the penalty will not accrue nor for any farm where excess cards are issued, as provided in § 722.529 (b), to enforce the provisions of the Act. In any case where the State committee finds that there is reasonable ground to believe that the furnishing of a bond of indemnity or funds to be held in escrow will be used as a device to evade the collection of penalties, no such bond or funds to be held in escrow shall be accepted.

(b) *Execution of bond.* Any bond filed pursuant to paragraph (a) shall be made on form Cotton 623, and executed as principal by the owner or operator of the farm for and on behalf of each producer on such farm and as sureties by two owners of real property (other than such owner or operator or producers) situated within the county and unencumbered to the extent of the principal sum of the bond of indemnity, and shall contain the condition that so much of the principal sum of such bond as is equal to the penalty incurred shall be forthwith paid to the War Food Administrator if the penalty secured thereby or any part or amount thereof was not paid as provided for in paragraph (g). The county committee shall examine the bond and, if it finds such bond to be good and sufficient and in proper form and otherwise acceptable, the same shall be marked "Approved" and signed by a member of the committee acting for the committee and the bond shall be delivered to the treasurer of the county committee for safekeeping.

(c) *Placing funds in escrow.* Any funds delivered by the owner or operator of the farm to be held in escrow to secure the payment of the penalty shall be only in legal tender or in the form of a cashier's check or money order drawn payable to the order of the Treasurer of the United States and shall be deposited as provided for in § 722.543. The treasurer of the county committee shall issue a receipt therefor on form Cotton 419 to the person who tenders such funds to be held in escrow. Such funds shall be received subject to payment and collection at par.

(d) *Depositing warehouse receipts.* The storage of cotton in a warehouse in order to secure the payment of the penalty shall be effective when a warehouse receipt covering the amount of cotton so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a non-negotiable receipt. In the case of a non-negotiable receipt, the owner thereof and the treasurer of the county committee shall notify the warehouseman that it is being so deposited in escrow and that delivery of the cotton covered thereby is to be made only under the terms of its deposit in escrow. Any warehouse receipt deposited with the county committee shall be accepted only upon the conditior that the producers by or for whom the cotton is stored shall be and shall remain liable for all charges incident to the storage of the cotton and that the county committee and the United States in no way shall be responsible for or pay any such charges.

(e) *Placing cotton in the loan.* The pledging of cotton as collateral for a Commodity Credit Corporation loan shall be effective as security for the payment of the penalty when CCC Cotton Form A, "1943 Cotton Producer's Note and Loan Agreement," for an amount of cotton equal to or greater than the estimated excess production of the farm, has been certified to in section (B) by the county committee and the committee has (1) forwarded the necessary documents to the Commodity Credit Corporation for a direct loan or satisfied itself that the loan with respect to the cotton has been completed by a lending agency and (2) retained the producer's copy of Form A.

(f) *Estimating the penalty secured and amount of bond or funds in escrow.* In estimating the production of cotton for any farm under this section, the county committee shall take into consideration the appraised yield of the cotton crop and the number of acres planted to cotton on the farm and the amount of carry-over cotton in connection with the farm, which shall be determined on the basis of an examination by a representative of the county committee of the cotton or warehouse receipts, loan agreements, or other documents evidencing title thereto. The number of pounds of lint cotton estimated to be produced on the farm in excess of the farm quota shall be the amount by which the total estimated production of lint cotton in 1943 on the farm, including all varieties of long staple cotton, is in excess of the estimated production of the farm acreage allotment established for the farm. Any bond or funds to be held in escrow pursuant to the foregoing provisions of this section shall be in an amount not less than the amount determined by multiplying the number of pounds so estimated to be produced in excess of the farm quota, plus the number of pounds of carry-over penalty cotton, by the rate of the marketing penalty. If the farm is an underplanted farm, only the carry-over penalty cotton shall be considered in estimating the penalty.

(g) *Payment of penalty.* The penalty shall be due at the time cotton is marketed in excess of the farm or producer quota and shall be remitted to the treasurer of the county committee, as otherwise provided in these regulations, at the time the farm operator's report on form Cotton 717 for the farm is required to be submitted, as provided in § 722.550 (d), and no extension or qualification of the time for paying the penalty shall be made or allowed by any officer or employee of the War Food Administration, member of a county committee, other local committee, or State committee, county agent, or officer or employee of such committee or of the county agent's office. If funds are held in escrow to secure payment of the penalty, the penalty shall be paid by the use of such funds. Any part of the funds held in escrow in excess of the penalty which was or could have been incurred during the marketing year shall be returned to the person depositing them, in accordance with § 722.542. Whenever the penalty with respect to cotton covered by a warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it. In the event the principal sum of the bond or the amount of funds deposited in escrow is not sufficient to cover the amount of penalties incurred with respect to the farm, the owner or operator of the farm who gave the bond or deposited the funds in escrow shall be liable for and shall pay a sufficient additional amount to cover the amount of such penalties. Nothing contained in this paragraph shall discharge the other producers on the farm from liability to pay the penalties incurred by them.

(h) *Multiple farms.* If a producer is engaged in the production of cotton on more than one farm in a county in 1943, the county committee shall not accept security for payment of the penalty under this section from or on behalf of such producer for any of the farms unless security is offered and accepted with respect to each such farm for which the penalty may become due.

(i) *Apportionment of farm quota.* The provisions of this section shall have no effect on the apportionment of the farm quota for a farm among producers as provided for in § 722.526.

(j) *Issuing white cards and "Penalty Secured" cards.* If the 1943 acreage of cotton on the farm does not exceed the allotment by more than the larger of three acres or three percent of the allotment, and the payment of the penalty has been secured in accordance with this section, the county committee shall issue to the farm operator for and on behalf of all producers on the farm a white card in the manner provided in § 722.529. If, however, the 1943 acreage of cotton on the farm exceeds the allotment by more

than the larger of three acres or three percent of the allotment, and the payment of the penalty has been secured in accordance with this section, the county committee shall issue to the farm operator for and on behalf of all producers on the farm a white card in the manner provided in § 722.529 with the exception that the words "Penalty Secured" shall be endorsed in bold characters across the face of the white card so issued. The county committee shall not issue a white card under this paragraph to the operator unless and until all marketing cards previously issued in respect to the farm have been returned to and canceled by the county committee by endorsing thereon in bold characters the notation "Canceled." Any marketing card issued pursuant to this paragraph shall be issued upon the condition that any producer on the farm to or for whom it is issued shall nevertheless be subject to the penalty with respect to the marketing of cotton in excess of the farm quota for the farm. Any marketing card issued pursuant to this paragraph shall be used in the same manner and to the same extent that white cards issued pursuant to other provisions of these regulations are used. (Secs. 372 and 375 (b), 52 Stat. 65 and 66)

§ 722.554 *Long staple cotton*—(a) *Penalties.* The penalty shall not apply to the marketing of cotton the staple of which is 1½ inches or more in length. Cotton produced from seed of a pure strain of Sea Island or American-Egyptian cotton on a farm for which white cards not marked "Penalty Secured" are issued shall be presumed to be cotton the staple of which is 1½ inches or more in length if produced in an area designated by the Agricultural Adjustment Agency as a Sea Island or an American-Egyptian cotton area upon the basis of the past production of such cotton, the ginning facilities designed specifically for the ginning of long staple cotton, and other factors affecting the production of such cotton in such area. Any other cotton produced from a pure strain of Sea Island or American-Egyptian cotton seed shall be presumed to be cotton the staple of which is 1½ inches or more in length provided (1) there is presented to the county committee of the county in which such cotton is produced a certificate on form Cotton 527, executed by the buyer or transferee and the producer, to the effect that such cotton staples or will staple, when ginned on a roller gin, 1½ inches or more in length and (2) such cotton is reported by the ginner as having been ginned on a roller gin. All other cotton shall be presumed to be cotton the staple of which is less than 1½ inches in length unless and until there is presented to the treasurer of the county committee of the county in which the cotton is produced (1) a Form 1 or Form A, executed by the Board of Cotton Examiners, to the effect that the staple of such cotton is 1½ inches or more in length, or (2) a certificate on form Cotton 521, executed by the buyer or transferee and the producer, to the effect that such cotton was identified when marketed by such a Form 1 or Form A.

(b) *Issuing marketing cards and certificates.* The county committee shall, in areas designated by the Agricultural Adjustment Agency as provided in paragraph (a), issue to or for the producers on a farm on which Sea Island or American-Egyptian cotton is planted white cards, in the manner provided in § 722.529, as evidence that the producers on the farm may market without penalty all cotton produced thereon in 1943 or in any prior year. A white card shall not be issued to or for the producers on any farm in an area so designated if the acreage on the farm planted in 1943 to any other varieties of cotton is in excess of the farm acreage allotment therefor or any producer on the farm has carry-over penalty cotton. In areas not so designated, white cards shall likewise be issued if the acreage on the farm planted in 1943 to all varieties of cotton, including Sea Island or American-Egyptian cotton, is not in excess of the farm acreage allotment therefor and no producer on the farm has carry-over penalty cotton. In areas not so designated, excess cards shall be issued by the county committee to each producer as provided in the regulations in this part if the acreage on the farm planted in 1943 to any varieties of cotton, including Sea Island or American-Egyptian cotton, is in excess of the farm acreage allotment therefor or if any producer thereon has carry-over penalty cotton. Notwithstanding the foregoing provisions of this paragraph, white cards may be issued as provided in § 722.553. Without regard to areas designated as provided in paragraph (a), form Cotton 527 shall be issued by the county committee to each producer to whom an excess card or a white card marked "Penalty Secured" is issued and who the county committee determines will market cotton produced on the farm from a pure strain of Sea Island or American-Egyptian cotton seed.

(c) *Identification of long staple cotton.* A white card or an excess card issued with respect to any farm on which long staple cotton is produced shall be used to identify the cotton produced on the farm at the time the cotton is marketed as otherwise provided in these regulations in this part with the exception that, if a white card marked "Penalty Secured" or an excess card was issued with respect to the farm, any long staple cotton produced thereon shall, when marketed, be identified by the producer to the buyer or transferee as provided in § 722.538. Notwithstanding the fact that cotton produced from seed of a pure strain of Sea Island or American-Egyptian cotton is identified when marketed by a white card or as provided in § 722.538 by a form Cotton 527, such cotton shall nevertheless be subject to the penalty if it is determined that such cotton has in fact a staple of less than 1½ inches in length and is marketed in excess of the farm or producer quota for the farm on which it was produced. (Secs. 350 and 375, 52 Stat. 60 and 66)

§ 722.555 *Farms producing 1,000 pounds or less of lint cotton*—(a) *Penalties.* The penalty shall not apply to cotton produced in 1943 on a farm for which a farm acreage allotment was established which is marketed in excess of the farm quota for the farm if the total production of lint cotton thereon in 1943 does not exceed 1,000 pound. (Sec. 346 (b), 52 Stat. 59)

(b) *Issuing marketing cards.* The county committee shall issue white cards or excess cards as otherwise provided in these regulations to or for the producers on a farm prior to the time it is determined that the total production in 1943 of the acreage planted to cotton thereon does not exceed 1,000 pounds of lint cotton, except that the county committee may, upon request, issue to any producer on an overplanted farm a white card as evidence of the fact that, notwithstanding the amount of the quota for the farm, there may be marketed, without regard to the manner prescribed in §§ 722.540 and 722.541 for the payment, collection, and remittance of penalties, the entire amount of the cotton produced on the farm in 1943, plus the amount of cotton from any previous crop which the producers thereon have on hand, if the county committee finds (1) that the actual production or the estimated production in 1943 on the entire farm does not exceed 1,000 pounds of lint cotton; (2) that no producer on the farm has carry-over penalty cotton; (3) that a farm acreage allotment was established for 1943 for the farm; and (4) that any marketing cards previously issued with respect to such farm have been returned to and canceled by the county committee by endorsing thereon in bold characters the notation "Canceled." A white card so issued shall show information comparable to that provided to be shown on a white card issued under § 722.529, except that the words "One Thousand Pounds" shall be endorsed in bold characters across its face. Any white card so issued shall be issued upon the condition that any producer to or for whom it is issued shall nevertheless be subject to the penalty with respect to the marketing of cotton in excess of the farm quota or producer quota if the total production in 1943 of the farm exceeds 1,000 pounds of lint cotton. In the event the county committee determines that the total production in 1943 does not exceed 1,000 pounds of lint cotton, the county committee may, in lieu of issuing a white card as otherwise provided in this paragraph, increase the amount of cotton shown on the excess card which may be marketed without penalty to an amount equal to the amount of cotton produced in 1943 on the farm. (Sec. 375 (a), 52 Stat. 66)

§ 722.556 *Cotton marketed by publicly owned agricultural experiment stations*—(a) *Penalties.* Except as set forth in §§ 722.554 and 722.555, the penalty shall apply to any cotton grown by any publicly owned agricultural experiment station which is not grown solely for experimental purposes. The penalty shall not apply to the marketing of any cotton grown for experimental purposes only by any publicly owned agricultural experiment station. (Sec. 372 (d), 52 Stat. 204.)

(b) *Issuing marketing cards.* Upon request of a responsible executive officer of any publicly owned agricultural

experiment station, the State committee shall authorize the issuance to such experiment station, for cotton which is grown solely for experimental purposes by it, of a white card. Such request shall be made in writing and shall show: (1) the name and address of the experiment station; (2) the location of the land on which such cotton was or is being produced; (3) the number of acres planted to cotton on such experiment station in 1943 for experimental purposes only and a brief statement of the nature of the experiment being conducted; and (4) the number of acres planted to cotton for other purposes. (Sec. 375 (a), 52 Stat. 66)

§ 722.557 *Designation of representative of War Food Administrator to examine records*—(a) *Designation representatives.* In order to carry out the provisions of §§ 722.546, 722.547 (b), 722.548 and 722.549, relating to the examination of records, the respective Regional Directors of the Agricultural Adjustment Agency are hereby authorized and directed to designate in writing an appropriate number of persons, from the following classes of officers or employees of the War Food Administration, to act within the respective region or State, as the case may be, as the authorized representative of the War Food Administrator for the purposes of said provisions and the identical provisions contained in the regulations for preceding marketing years:

(1) Members of the State Agricultural Conservation Committees.

(2) Administrative Officers or employees of the State offices of the Agricultural Adjustment Agency employed in the work of administering cotton marketing quotas or as investigators in connection therewith.

(3) Officers or employees of the divisions or sections of the Agricutural Adjustment Agency.

(4) Officers or employees of the Division of Investigation, Office of the War Food Administrator, in cases where exceptional circumstances warrant such designations.

(5) Officers or employees of the Office of the Solicitor.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a card of identification certifying that the person whose signature appears on the reverse side is an official of the War Food Administration engaged in the administration of marketing quotas, signed by the appropriate Regional Director of the Agricultural Adjustment Agency, as proof of his authority to act as such authorized representative of the War Food Administrator.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the War Food Administrator is hereby authorized and empowered, pursuant to the Act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U.S.C., sec. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of Title III of the Agricultural Adjustment Act of 1938 or these regulations. (Sec. 373 (a), 52 Stat. 65)

Issued at Washington, D. C., this 12th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9588; Filed, June 14, 1943; 11:20 a. m.]

PART 729—PEANUTS

TERMINATION OF NATIONAL MARKETING QUOTA AND REVOCATION OF NATIONAL ACREAGE ALLOTMENT FOR 1943

Whereas pursuant to section 358 of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for peanuts of 1,255,800,000 pounds for the crop produced in the calendar year 1943 was proclaimed, and

Whereas the growers of peanuts approved marketing quotas for peanuts produced in the calendar years 1941, 1942, and 1943, in a referendum held on the 26th day of April, 1941, and

Whereas the War Food Administrator has reason to believe that because of the present national emergency, termination of marketing quotas for peanuts for the calendar year 1943 is necessary in order to effectuate the declared policy of the act, and has caused an investigation to be made, and

Whereas the War Food Administration hereby finds and determines that the termination of marketing quotas for peanuts for the calendar year 1943 is necessary in order to meet the present national emergency:

Now, therefore, pursuant to the authority of sec. 371 (b) of the Agricultural Adjustment Act of 1938, as amended, Executive Order 9322, and Executive Order 9334, it is hereby proclaimed that:

§ 729.201 *Proclamation and determination with respect to the national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1493*—(a) *National marketing quota.* The national marketing quota for peanuts for the 1943 calendar year is hereby terminated.

* * * * *

(c) *National acreage allotment.* The national acreage allotment for peanuts for the crop produced in the calendar year 1943 is hereby revoked.

(Sec. 371 (b), 7 U.S.C. 1940 ed. 1371 (b), 52 Stat. 64; E.O. 9322 as amended by E.O. 9334)

Done at Washington, D. C., this 10th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9485; Filed, June 11, 1943; 11:45 a. m.]

Chapter VIII—War Food Administration

PART 802—SUGAR DETERMINATIONS

FARMING PRACTICES FOR 1943 SUGARCANE CROP IN HAWAII

Determination of farming practices to be carried out in connection with the production of sugarcane during the crop year 1943 for the Territory of Hawaii, pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.33e *Farming practices in connection with the production of the 1943 crop of sugarcane in the Territory of Hawaii*—(a) *Required farming practices.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in the Territory of Hawaii if both of the following practices are complied with:

(1) There shall be applied to an acreage of land equal to not less than 80% of the number of acres on the farm on which sugarcane is planted or a ratoon crop of sugarcane is started, at any time during 1943, sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than one hundred pounds per acre: *Provided, however,* That the foregoing requirement shall be deemed to have been met if, because of war exigencies the supply of chemical fertilizer available for any farm is not sufficient to meet the requirements specified herein, there are carried out on the farm, in addition to the application of the amount of chemical fertilizer available to the farm, such other farming practices, if any, calculated to further preserve and improve the fertility of the soil, as the Director of the Division of Special Programs may determine on the basis of a statement of all pertinent facts filed by the operator.

(2) There shall be grown on the farm an acreage of food crops for human consumption equal to not less than one-tenth of an acre for each adult male laborer employed on the farm as of January 1, 1943.

(b) *Definitions.* "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15% of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid and water-soluble potash.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 10th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9483; Filed, June 11, 1943; 11:45 a. m.]

Chapter X—War Food Administration

[FPO 3 as Amended May 6, 1943, Amdt. 2]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Part A of Schedule I of Food Production Order No. 3 (8 F.R. 5963), is amended by deleting from subparagraph (2) thereof and by adding to subparagraph (1) thereof the following:

DAIRY FARM MACHINES AND EQUIPMENT

War Production Board No.	
237	Milking machines.
238	Farm cream separators, capacity 250 lbs. per hour or less.
239	Farm cream separators, capacity 251 lbs. up to and including 800 lbs. per hour.
	Farm milk coolers.
241	Immersion type.
242	Surface or tubular type.

Subparagraphs (1) and (2) of Part A of Schedule I of Food Production Order No. 3 will then read as follows:

(1) The Administrator has authorized and does hereby authorize any manufacturer to transfer the Schedule I equipment listed in this subparagraph (1) which was manufactured by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L–26 (7 F.R. 1795, 2940, 4331, 5396, 6148, 8460) and 100 percent of such manufacturer's authorized production of such equipment under War Production Board Order L–170.

IRRIGATION EQUIPMENT

War Production Board No.	
	Irrigation pumps:
227	Turbine pumps, 0 to 1,200 GPM.
228	Turbine pumps, 1,200 GPM and up, belt driven.
229	Centrifugal pumps.
	Distribution equipment:
231	Land leveling equipment, ditchers, corrugators and scapers (excluding power ditchers, draglines and other self-powered machines).
232	Portable pipe and extensions, sprinklers.

SPRAYERS, DUSTERS, AND ORCHARD HEATERS

119	Spray pumps, power.

CULTIVATORS AND WEEDERS

103	Rod weeders, horse or tractor drawn.

FARM ELEVATORS AND BLOWERS

188	Elevators (portable).
189	Elevators (stationary).
190	Blowers (grain and forage).

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

171	Stationary hay balers, horse.

DAIRY FARM MACHINES AND EQUIPMENT

237	Milking machines.
238	Farm cream separators, capacity 250 lbs. per hour or less.
239	Farm cream separators, capacity 251 lbs. up to and including 800 lbs. per hour.
	Farm milk coolers.
241	Immersion type.
242	Surface or tubular type.

(2) The Administrator has authorized and does hereby authorize any manufacturer to transfer Schedule I equipment listed in this subparagraph (2) which was produced by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L–26 and 90 percent of such manufacturer's authorized production of such equipment under War Production Board Order L–170.

DOMESTIC WATER SYSTEMS

War Production Board No.	
	Deep well:
213	Deep well, reciprocal.
214	Deep well, jet pumps.
	Shallow well:
215	250–499 gals. per hour.
216	500 gals. per hour and over.
	Power pumps:
217	Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

Issued this 12th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43–9574; Filed, June 14, 1943; 11:20 a. m.]

Chapter XI—War Food Administration

[FDO 49–4]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS RELATIVE TO IRISH POTATOES

Pursuant to the authority vested in me by Food Distribution Order No. 49, dated April 13, 1943, as amended (8 F.R. 4859, 5700), effective pursuant to Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of such orders, *It is hereby ordered,* As follows:

§ 1405.10 *Reduction of territorial scope.* (a) The territorial scope of Food Distribution Order No. 49, as amended, is hereby reduced by excluding from the scope of said order, as amended, the following areas in the States of Georgia and South Carolina:

(1) The counties of Bulloch, Effingham, Bryan, Chatham, and Liberty in the State of Georgia; and

(2) The counties of Dillon, Marion, Florence, Horry, Sumter, Clarendon, Williamsburg, Georgetown, Orangeburg, Berkeley, Dorchester, Charleston, Colleton, Allendale, Hampton, Jasper, and Beaufort in the State of South Carolina.

(b) The provisions and requirements of Food Distribution Order No. 49, as amended, shall not, from the effective date of this order, be applicable to the areas described in paragraph (a) hereof.

(c) With respect to violations of Food Distribution Order No. 49, as amended, rights accrued or liabilities incurred in the areas named in paragraph (a) hereof, prior to the effective date of this order, said Food Distribution Order No. 49, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(d) This order shall become effective at 12:01 a. m., e. w. t., June 12, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO No. 49, 8 F.R. 4859, 5700)

Issued this 12th day of June 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43–9551; Filed, June 12, 1943; 4:44 p. m.]

[FDO 28–2]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Pursuant to the authority vested in me by Food Distribution Order 28 (8 F.R. 2787), issued by the Secretary of Agriculture on March 5, 1943, *It is hereby ordered,* as follows:

§ 1410.12 *Beef required to be set aside.* (a) Each slaughterer subject to the provisions of Food Distribution Order 28 shall set aside, reserve, and hold for delivery to the Army, Navy, Marine Corps, and Coast Guard of the United States, and to contract schools as defined in Food Distribution Regulation 2 (8 F.R. 7523), 45 percent of the conversion weight of each week's production of beef obtained from the slaughter of steers and heifers the carcasses of which meet Army specifications for carcass beef or frozen boneless beef.

(b) The quantities of meat to which the percentage set forth in (a) hereof is to apply shall be determined in accordance with Food Distribution Order 28, § 1410.2 (c) (2), (3), and (4).

(c) Any contract school purchasing beef set aside pursuant to the provisions of this order shall comply with the provisions of Food Distribution Regulation 2, § 1598.1 (b).

(d) Beef set aside pursuant to the provisions of this order shall not be sold to or purchased by ship operators, as defined in Food Distribution Regulation 2, authorized processors, as defined in Food Distribution Order 28, or governmental agencies, as defined in Food Distribution Order 28 other than those named in (a) hereof.

(e) Beef set aside pursuant to the provisions of this order shall be prepared and packaged in accordance with Army specifications.

This order shall become effective at 12:01 a. m., e. w. t., June 14, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 28, 8 F.R. 2787)

Issued this 11th day of June 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–9487; Filed, June 11, 1943; 5:03 p. m.]

[FDO 50, Amdt. 1]

PART 1418—WOOL

PURCHASE AND SALE OF DOMESTIC WOOL

Food Distribution Order No. 50, § 1418.1, issued by the War Food Admin-

istrator on April 17, 1943 (8 F.R. 5131), is amended as follows:

1. By amending (c) (4) thereof to read as follows:

(4) Sales or deliveries of pulled wool by producers to, and purchases of pulled wool by, manufacturers directly from producers located within a radius of 50 miles from such manufacturer's mill or plant, and sales or deliveries of shorn wool by producers or pools of producers to, and purchases of shorn wool by manufacturers from such producers, subject to the following requirements:

(i) The total quantities of such wool so purchased by any manufacturer during the period from the effective date of this order through December 31, 1943, shall not exceed the total quantities of such wool purchased by such manufacturer directly from producers or pools of producers during the calendar year 1942.

(ii) Such manufacturer shall submit to the Director, not later than the tenth day of each calendar month, a report showing the total quantities of such wool so purchased from producers or pools of producers during the preceding calendar month, together with the cumulative totals of such purchases. The first report shall cover the period from the effective date of this order through April 30, 1943.

(iii) Such manufacturer shall submit with his first report a statement of the total quantities of such wool purchased directly from producers or pools of producers during the calendar year 1942.

2. By adding at the end of (c) thereof the following new provision:

(7) Shorn wool produced in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, and Louisiana.

This order shall become effective on June 12, 1943.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Food Distribution Order 50 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 11th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9526; Filed, June 12, 1943; 11:15 a. m.]

[War Food Regulation 1]

PART 1598—GENERAL REGULATIONS

REQUISITIONING FOOD FOR HUMAN OR ANIMAL CONSUMPTION

Pursuant to Executive Order 9280 of December 5, 1942, and Executive Order 9322 of March 26, 1943, as amended by Executive Order 9334 of April 19, 1943, the War Food Administrator hereby establishes the following policies and prescribes the following regulations governing the requisitioning and disposal of food for human or animal consumption (hereinafter designated as "food") under the act of October 10, 1940 (54 Stat. 1090), as amended by the act of July 2, 1942 (56 Stat. 467), providing for the requisitioning of defense articles denied export, and the act of October 16, 1941 (55 Stat. 742), as amended by Title VI of the Second War Powers Act, 1942 (56 Stat. 176), providing for the requisitioning of any defense article.

Sec.

AUTHORITY: §§ 1598.2 to 1598.6, inclusive, issued under E.O. 8942, 6 F.R. 5909; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9138, 7 F.R. 2019; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; 54 Stat. 1090, 50 U.S.C. 1940 ed., App., 711, as amended by 56 Stat. 467, Pub. Law 643, 77th Cong.; 55 Stat. 742, 50 U.S.C. 1940 ed., Sup. I, App., 721, as amended by 56 Stat. 176, Pub. Law 507, 77th Cong.

§ 1598.2 *General provisions applicable to all requisitioning proceedings.* (a) As used in these regulations, the term "Requisitioning Authority" means the War Food Administrator in all cases except when requisitioning is initiated under paragraph 4 of Executive Order 8942, as amended, in which case the term "Requisitioning Authority" means the head of the department or agency who shall have submitted the proposal for requisitioning to the War Food Administrator.

(b) Promptly after any food has been requisitioned, notice of such requisition, in such manner and form as may be approved by the War Food Administrator, shall, to the extent practicable, be given by the Requisitioning Authority to all persons known to have or claim any interest in such food; and all such persons shall be directed to file their claims with the Requisitioning Authority.

(c) As promptly as practicable after food has been requisitioned, the Requisitioning Authority shall make a preliminary determination of the fair and just compensation to be paid for such food. It shall, to the extent practicable, give notice of such determination to all persons known to have or claim an interest in the food requisitioned. Within 30 days after such notice, any claimant may file written objections to such preliminary determination, specifying in reasonable detail the grounds for his objection. The preliminary determination may be modified on the basis of such objections.

(d) All notices required to be given by a Requisitioning Authority under the above paragraphs of this section shall be served by personal delivery, or by registered mail with return receipt requested, or in such other manner as may be approved by the War Food Administrator.

(e) In any case in which the Requisitioning Authority is in doubt as to the proper measure to be applied in determining fair and just compensation, or in any case in which there is a difference of opinion between the Requisitioning Authority and any person known to have or claim an interest in food requisitioned as to the proper measure to be applied in determining fair and just compensation, the Requisitioning Authority may, in its discretion, either before or after making a preliminary determination pursuant to paragraph (c), designate a time and place for all persons known to have or claim an interest in the food requisitioned to appear in support of their claims. Such appearance shall be before a board or official designated by the Requisitioning Authority for such purpose. Such board or official shall hear the claimants who appear and shall receive any evidence relevant to the inquiry. A stenographic transcript or an abstract of the proceedings before such board or official and copies of all written evidence sumitted shall be preserved. Following such inquiry, such board or official shall make a recommendation to the Requisitioning Authority as to the amount of compensation to be paid, and the Requisitioning Authority shall consider such recommendation, and thereafter may make, affirm, increase, or decrease, its preliminary determination.

(f) No payment shall be made to any claimant until he has presented such proof of his title as the Requisitioning Authority may require and until the Requisitioning Authority has determined that compensation or any part thereof may be safely paid to him. If the Requisitioning Authority determines that compensation cannot safely be paid to any claimant, the Requisitioning Authority shall make an award of compensation and the amount of the award shall be set aside and retained, or the proper appropriation charged therefor, until the person or persons entitled to receive the same shall be established. If the Requisitioning Authority determines that compensation can safely be paid to any claimant, it shall make an award of compensation and shall pay to the person or persons entitled thereto the amount of such award or, if such person or persons are unwilling to accept such compensation, shall pay 50 per centum of such amount in accordance with the applicable requisitioning act.

(g) At any time after food has been requisitioned, the Requisitioning Authority may make a settlement with claimants as to the amount of compensation and the persons entitled thereto: *Provided*, That at the time of making any such settlement, the Requisitioning Authority shall make a determination that the amount of such settlement constitutes fair and just compensation for the food requisitioned.

(h) A Requisitioning Authority may exercise any power, duty, or discretion vested in it as such authority through such person or persons as it may designate.

(i) Any Requisitioning Authority, for the purpose of requiring and compelling a disclosure of information under section 4 of the act of October 16, 1941, as amended, may administer oaths and affirmations, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States.

§ 1598.3 *Provisions applicable to action initiated by the head of a department or agency other than the War Food Administrator.* (a) The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Chairman of the United States Maritime Commission, the Executive Director of the Board of Economic Warfare, or the head of such other agency as the President may from time to time designate shall, prior to requisitioning any food pursuant to the power granted by paragraph 4 of Executive Order 8942, as amended, submit to the War Food Administrator a written statement (in such form as may be approved by the War Food Administrator) setting forth in reasonable detail all pertinent facts with respect to the food which he proposes to requisition and the proposed disposal thereof, and certifying that he has made the determinations required under said paragraph 4.

(b) Upon the submission of any such proposal, the War Food Administrator shall determine whether such proposal is consistent with the war food program. The War Food Administrator may consider and act upon the proposed requisitioning separately from the proposed disposal. The determination of the War Food Administrator shall be transmitted in writing to the Requisitioning Authority.

(c) If the proposed requisitioning is determined to be consistent with the war food program, the Requisitioning Authority may requisition the food in accordance with § 1598.2 hereof. If the proposed disposal of such food has been determined to be consistent with the war food program, such food shall be disposed of in accordance with such proposal; but if the Requisitioning Authority desires otherwise to dispose of such food, it may submit a new proposal for such disposal to the War Food Administrator.

(d) In any case in which any Requisitioning Authority which has requisitioned food pursuant to paragraph 4 of Executive Order 8942, as amended, determines that food requisitioned by it and retained is no longer needed for the defense of the United States and proposes to return it to the original owner thereof, it shall submit such proposal to the War Food Administrator in the same manner as provided in paragraph (a) hereof, for determination as to whether such proposal is consistent with the war food program. The determination of the War Food Administrator shall be transmitted in writing to the Requisitioning Authority.

(e) In any case in which food is requisitioned or disposed of, or a determination of compensation or of a person entitled thereto is made, or food is returned to the original owner thereof, in accordance with this section or § 1598.5 hereof, the Requisitioning Authority shall report in reasonable detail concerning such requisitioning, determination and payment of compensation, disposal or return to the War Food Administrator within 15 days after the event.

§ 1598.4 *Provisions applicable only to requisitioning by the War Food Administrator.* (a) The War Food Administrator shall keep a written record of each determination made by him, pursuant to this regulation, of the necessity for requisitioning food.

(b) Whenever the War Food Administrator determines to requisition food through another department or agency pursuant to paragraphs 2 and 3 of Executive Order 8942, as amended, he shall notify such department or agency and request (in such form as may be approved by the War Food Administrator) it to requisition and dispose of such food, and all action taken shall be in accordance with the determination of the War Food Administrator.

§ 1598.5 *Extent of application of this regulation.* This regulation shall apply only with respect to food requisitioned after the effective date hereof, except that should the Requisitioning Authority desire to make a disposal of food, including the return thereof to the original owner, other than the disposal approved prior to the effective date hereof, it shall submit a proposal for such disposal to the War Food Administrator in accordance with paragraph (a) of § 1598.3 hereof.

§ 1598.6 *Effective date.* These regulations shall become effective 12:01 a. m., e.w.t., June 11, 1943.

Issued this 10th day of June, 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9482; Filed, June 11, 1943; 11:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[Gen. Order C-2, 15th Supp.]

PART 110—PRIMARY INSPECTION AND DETENTION

DISCONTINUANCE OF GREAT FALLS MUNICIPAL AIRPORT AS A DESIGNATED PORT OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

JUNE 5, 1943.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U.S.C. 177 (d)) and section 1 of Reorganization Plan No. V. (5 F.R. 2223), the designation of Great Falls Municipal Airport, Great Falls, Montana, as a temporary port of entry for aliens arriving in the United States by aircraft is hereby rescinded.

Section 110.3 (b), Title 8, Chapter I, Code of Federal Regulations is amended by striking Great Falls, Montana, Great Falls Municipal Airport, from the list of temporary ports of entry for aliens arriving by aircraft.

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 43-9527; Filed, June 12, 1943; 11:19 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

DAMAGE CAUSED BY ARMED FORCES IN FOREIGN COUNTRIES

Section 36.55 is rescinded and the following § 36.18 is substituted therefor as follows:

§ 36.18 *Claims for damage to or loss or destruction of property or for personal injury or death caused by Army Forces in foreign countries*—(a) *Scope*—(1) *General.* Claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by Army forces, or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to noncombat activities of such forces, in a foreign country to public property located therein or to the privately owned property, or to the persons, of inhabitants of such country are within the foreign claims provision contained in the Act of Jan. 2, 1942, 55 Stat. 880; 31 U.S.C. Sup. 224d, as amended by act April 22, 1943, Public Law 39, 78th Congress. Claims within the scope of the foreign claims provision and which but for the existence of that provision would be within the provisions of §§ 36.12, 36.13, 36.14, 36.15, 36.16 or 36.17 will be settled under the foreign claims provision.

(2) *Territorial application.* The provisions of these regulations are applicable to claims arising in foreign countries. The fact that a claim arises at a place, within a foreign country, under the temporary or permanent jurisdiction of the United States does not preclude the allowance thereunder of a claim otherwise within the foreign claims provision.

(3) *Elements of damage in case of personal injury and death.* Actual and reasonable medical and hospital expenses, reasonable compensation for pain and suffering and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. In computing damages in cases of personal injury or

death, local standards will be taken into consideration.

(4) *Bailed or leased property.* Claims otherwise within the foreign claims provision may be settled under the act of January 2, 1942, as amended, notwithstanding that the property damaged, lost or destroyed is personal property bailed to the Government, or real property used or occupied by the Government under a lease, express or implied, or otherwise.

(5) *Application to pending claims.* The foreign claims provision will apply to all claims not in excess of $1,000 otherwise within the scope thereof, not heretofore paid, arising out of accidents or incidents occurring on or after May 27, 1941. As to unpaid claims in excess of $1,000, the foreign claims provision will apply only if the accident or incident has occurred, or shall occur, subsequent to December 6, 1941; unpaid claims in excess of $1,000 arising out of accidents or incidents occurring prior to December 7, 1941, are not within the provisions of the act of January 2, 1942, as amended.

(b) *Limitations of application*—(1) *Inhabitants.* The word "inhabitant" as used in these regulations refers only to one who dwells or resides permanently in the country in which the claim arises. The following classes of claimants are among those excluded:

(i) Army, Navy, Marine Corps, and Coast Guard military personnel.

(ii) Nationals of a country at war with the United States, or of any ally of such enemy country, except as the foreign claims commission or the local military commander shall determine that the claimant is friendly to the United States.

(iii) United States citizens not permanent residents of the country in which the claim arises.

(2) *Negligence or wrongful act on part of claimant.* No claim will be allowed where the damage, loss, destruction, injury or death is proximately caused in whole or in part by negligence or wrongful act on the part of the claimant, his agent, or employee, unless under the law or custom of the country in which the claim arises such negligence or wrongful act is not recognized generally as a bar to recovery on tort claims, in which case such local law or custom will be applied so far as practicable in determining the effect of such negligence or wrongful act.

(3) *Acts of war.* No claim for damage, loss, destruction, injury, or death resulting from action by the enemy or resulting directly or indirectly from any act by Army forces engaged in combat will be allowed.

(4) *Claims of subrogees.* Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage to or loss or destruction of property or personal injury or death covered by insurance. No inquiry will be made into, or determination made of, the relative interests as between insured and insurer. The entire claim including any portion thereof insured against will be filed by or on behalf of the insured and payment of the entire amount allowed will be made to the insured as the real claimant or to the subrogee filing on behalf of the insured. Claims by insurers in their own right are not within the provisions of the act of January 2, 1942, as amended, and will not be considered.

(5) *Claims within provisions of other regulations.* Claims for damage to or loss or destruction of property, or for personal injury or death, arising in foreign countries but not within the provisions of the act of January 2, 1942, as amended, should be processed under the special field exercises claims provision (see § 36.12), the operation of the Army claims provision (see § 36.13), the military operations claims provision (see § 36.14), the aircraft claims provision (see § 36.15), the negligence claims provision (see § 36.16), Article of War 105 (see § 36.17), or the personnel claims provision (see AR 25–100 [1]), if applicable.

(6) *Statute of limitations.* No claim may be considered by a foreign claims commission unless presented within 1 year after the occurrence of the accident or incident out of which such claim arises except that claims arising out of accidents or incidents occurring after December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944. Any claim not in excess of $1,000 arising out of an accident or incident occurring on or after May 27, 1941, and prior to December 7, 1941, is barred unless it was presented within 1 year after the date of such accident or incident. Claims, regardless of amount, arising out of accidents or incidents occurring subsequent to December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944.

(c) *Foreign claims commissions.* It is the policy of the War Department to provide one or more foreign claims commissions for each theater of operations, base or comparable command in which claims against the Government within the provisions of the act of January 2, 1942, as amended, may arise. A sufficient number of commissions will be appointed to permit the prompt and final settlement of claims within practicable contact with the points where the claims originate.

(d) *Procedure*—(1) *§§ 36.1 to 36.10 generally applicable.* Investigation of claims arising in foreign countries, and of accidents and incidents which may give rise to such claims, whether within the foreign claims provision, or apparently within the provisions of other regulations (see §§ 36.12, 36.13, 36.14, 36.15, 36.16 and 36.17), or the payment of which is not provided for by any statute or regulation, will be conducted in a manner similar to that prescribed in §§ 36.1–36.10, and will be of the scope, completeness, and character directed therein to the extent that the exigencies of the service will permit. Any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, destruction, injury, or death resulting. The claim should be signed by or on behalf of the claimant and should, if practicable, be under oath.

(e) *Conditions of payment.* Prior to payment of any claim within the foreign claims provision each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, destruction, injury or death must be determined.

(2) The claim must not exceed $5,000, but claims in excess of that amount may be reported to Congress for consideration.

(3) The claim must be presented within 1 year, except that claims arising after December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944.

(4) Claims by subrogees will not be recognized except as an element of the insured's claim.

(5) Contributory negligence or wrongful act, in whole or in part the proximate cause, bars a claim unless not a bar to recovery on tort claims under local law or custom.

(6) The damage, loss, destruction, injury, or death must not have resulted from action by the enemy or directly or indirectly from any act of Army forces engaged in combat.

(7) The property lost, damaged, or destroyed must belong to an inhabitant of the foreign country where the accident or incident occurred, or belong to the country itself.

(8) The injury or death must be to an inhabitant of the foreign country where the accident or incident occurred.

(9) If the claimant is a national of a country at war with the United States, or of any ally of such enemy country, there must be a determination by the foreign claims commission or by the local military commander that the claimant is friendly to the United States.

(10) The claim must be approved by a foreign claims commission and, if in excess of $2,500, by the theater, base or comparable commander or The Judge Advocate General.

(11) The claimant must accept, in full satisfaction and in final settlement, the amount approved. (Act of January 2, 1942, 55 Stat. 880; 31 U.S.C. Sup. 224d, as amended by act of April 22, 1943, Public Law 39, 78th Congress) [AR 25–90, April 22, 1943]

§ 36.55 *Claims for damages occasioned by Army forces in foreign countries.* [Rescinded] See § 36.18.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-9510; Filed, June 12, 1943; 10:13 a. m.]

[1] Administrative regulations of the War Department relative to claim of military personnel.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 276]

PART 40—AIR CARRIER OPERATING CERTIFICATION

OPERATIONS OF EASTERN AIRLINES AT DANNELLEY FIELD, MONTGOMERY, ALA.

Special civil air regulation: Non-compliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to the operations of Eastern Air Lines at Dannelley Field, Montgomery, Alabama.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 7th day of June 1943.

The following special civil air regulation is made and promulgated to become effective June 10, 1943:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations, any first pilot listed in the Eastern Airlines air carrier operating certificate on June 10, 1943, who is qualified as competent to operate an aircraft in scheduled air transportation between Atlanta, Georgia, and New Orleans, Louisiana, on June 10, 1943, may pilot aircraft under contact conditions in scheduled transportation for said carrier into and out of Dannelley Field, Montgomery, Alabama, upon furnishing evidence satisfactory to the Administrator, showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 43-9528; Filed, June 12, 1943; 11:32 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4565]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL ASSOCIATION OF SANITARY MILK BOTTLE CLOSURE MANUFACTURERS, ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels.* In connection with offer, etc., in commerce, of closure milk bottle caps, and on the part of respondent National Association of Sanitary Milk Bottle Closure Manufacturers, five individuals, its chairman, its manager, and members of its executive committee, and six corporations, and their agents, etc., entering into or carrying out, or aiding or abetting the carrying out of, any agreement, understanding, combination, conspiracy, or concert of action between or among any two or more of said respondents, with or without the cooperation of others not parties hereto, for the purpose or with the capacity, tendency, or effect or restricting, restraining, monopolizing, or eliminating competition in the sale in commerce of said closure milk bottle caps; and pursuant thereto (1) fixing or maintaining uniform discounts, contract terms or other conditions for the sale of closure milk bottle caps; (2) fixing or maintaining quantity prices or price differentials on quantity purchases based upon quantities purchased from all sources as fixed or determined by dairy rating books or other similar devices; (3) consulting or communicating in any manner with the respondent Association, or any of its officials, for the purpose of obtaining consent or agreement relative to prices at which closure milk bottle caps shall be sold; (4) limiting the quantity of closure milk bottle caps which jobber customers or dairy customers may contract for or purchase from respondent manufacturers; (5) preventing the sale of closure milk bottle caps to cooperative buying agencies and confining the sale of such products exclusively to jobbers and dairy consumers; (6) forwarding, by the respondent manufacturers to the respondent Association, invoices or copies thereof showing details in respect to prices, discounts, and terms of sale at which closure milk bottle caps are being sold; (7) filing with the respondent Association or with any other medium or central agency, price lists or other information showing current or future prices, terms or conditions of sale for closure milk bottle caps, with the agreement or understanding, or upon the condition, that such price lists or other information shall not be changed or deviated from until new and different price lists or other information showing current or future prices, terms, or conditions of sale are so filed by respondent manufacturers; (8) compiling, publishing, or distributing an "Annual Requirement Record" or other similar device for the use of respondent manufacturers, which rates or classifies dairies according to the total number of closure milk bottle caps used annually; or (9) holding or sponsoring meetings of respondent manufacturers for the discussion and interchange of information relative to prices, discounts, conditions, charges, or terms to be fixed for the sale of closure milk bottle caps, prohibited, subject to the provision, however, as respects said eighth prohibition, that nothing therein contained shall be construed to prevent respondents, or any of them, from compiling, publishing, or distributing for the use of respondent manufacturers and others, such information as to the annual closure mil'- bottle cap requirements of respective dairies as may enable each manufacturer to check or determine the propriety of any order or contract which may be received by it, if and when such information is not used for the purpose or with the effect of establishing corresponding ratings or classifications of dairies, or corresponding price differentials, that are uniform among respondents. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Association of Sanitary Milk Bottle Closure Manufacturers et al., Docket 4565, June 1, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of June, A. D. 1943.

In the Matter of National Association of Sanitary Milk Bottle Closure Manufacturers, an Unincorporated Trade Association; Stanley Dennis as Chairman and George J. Lincoln, Jr., as Manager of National Association of Sanitary Milk Bottle Closure Manufacturers; Daniel A. Mackin, Harvey M. Smith, and Jarvis Williams, Jr., as Members of the Executive Committee of National Association of Sanitary Milk Bottle Closure Manufacturers; and Aluminum Seal Company (Referred to in the Complaint as Aluminum Seal Corporation), American Seal-Kap Corporation, Cowdrey Products Company, Inc., Crown Cork & Seal Company, Inc., Mid-West Bottle Cap Company, Sanitary Metal Cap Corporation, Sealright Company, Inc., Smith-Lee Company, Inc., Standard Cap and Seal Corporation, and Universal Seal Cap Corporation, All Members, Respectively, of National Association of Sanitary Milk Bottle Closure Manufacturers

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, and a stipulation as to the facts entered into between counsel representing all the respondents except Aluminum Seal Company, Crown Cork & Seal Company, Inc., Sanitary Metal Cap Corporation, and Universal Seal Cap Corporation, and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents joining in said stipulation findings as to the facts and conclusion based thereon, and an order disposing of the proceeding; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents National Association of Sanitary Milk Bottle Closure Manufacturers; Stanley Dennis as Chairman and George J. Lincoln, Jr., as Manager of said Association; Daniel A. Mackin, Harvey M. Smith, and Jarvis Williams, Jr., as members of the Executive Committee of said Association; and American Seal-Kap Corporation, Cowdrey Products Company, Inc., Mid-West Bottle Cap Company, Sealright Company, Inc., Smith-Lee Company, Inc., and Standard Cap and Seal Corporation, and respondents' agents, representatives and employees, in connection with the offering for sale, sale and distribution of closure milk bottle caps in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into or carrying out, or aiding or abetting the carrying out of, any agreement, understanding, combination, conspiracy, or concert of action between

or among any two or more of said respondents, with or without the cooperation of others not parties hereto, for the purpose or with the capacity, tendency, or effect of restricting, restraining, monopolizing, or eliminating competition in the sale in commerce of said closure milk bottle caps, and from doing any of the following acts or things pursuant thereto:

1. Fixing or maintaining uniform discounts, contract terms or other conditions for the sale of closure milk bottle caps.

2. Fixing or maintaining quantity prices or price differentials on quantity purchases based upon quantities purchased from all sources as fixed or determined by dairy rating books or other similar devices.

3. Consulting or communicating in any manner with the respondent Association, or any of its officials, for the purpose of obtaining consent or agreement relative to prices at which closure milk bottle caps are being sold.

4. Limiting the quantity of closure milk bottle caps which jobber customers or dairy customers may contract for or purchase from respondent manufacturers.

5. Preventing the sale of closure milk bottle caps to cooperative buying agencies and confining the sale of such products exclusively to jobbers and dairy consumers.

6. Forwarding, by the respondent manufacturers to the respondent Association, invoices or copies thereof showing details in respect to prices, discounts, and terms of sale at which closure milk bottle caps are being sold.

7. Filing with the respondent Association or with any other medium or central agency, price lists or other information showing current or future prices, terms, or conditions of sale for closure milk bottle caps, with the agreement or understanding, or upon the condition, that such price lists or other information shall not be changed or deviated from until new and different price lists or other information showing current or future prices, terms, or conditions of sale are so filed by respondent manufacturers.

8. Compiling, publishing, or distributing an "Annual Requirement Record" or other similar device for the use of respondent manufacturers, which rates or classifies dairies according to the total number of closure milk bottle caps used annually: *Provided, however,* That nothing herein contained shall be construed to prevent respondents, or any of them, from compiling, publishing, or distributing for the use of respondent manufacturers and others, such information as to the annual closure milk bottle cap requirements of respective dairies as may enable each manufacturer to check or determine the propriety of any order or contract which may be received by it, if and when such information is not used for the purpose or with the effect of establishing corresponding ratings or classifications of dairies, or corresponding price differentials, that are uniform among respondents.

9. Holding or sponsoring meetings of respondent manufacturers for the discussion and interchange of information relative to prices, discounts, conditions, charges, or terms to be fixed for the sale of closure milk bottle caps.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and it hereby is, dismissed as to respondents Aluminum Seal Company, Crown Cork & Seal Company, Inc., Sanitary Metal Cap Corporation, and Universal Seal Cap Corporation.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-9586; Filed, June 14, 1943; 11:45 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 106]

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

PART 200—FORMS UNDER RULES OF PRACTICE AND REGULATIONS, FEDERAL POWER ACT

MINOR PROJECTS OF NOT MORE THAN 100 HORSEPOWER INSTALLED CAPACITY

JUNE 9, 1943.

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly section 309 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the following amendments to the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938, as amended:

Part 4, § 4.60 (Application for license for minor project) be and it is hereby amended to read as follows:

Application for License for Minor Project of Not More Than 100 Horsepower Installed Capacity

§ 4.60 *Contents.* Each application for a license for a complete project having installed capacity of 100 horsepower or less, or for part of such project, whether constructed or to be constructed, shall conform to § 200.6. Unless otherwise specified, an original and three copies of the application and of all accompanying exhibits shall be submitted. Where the project is located in whole or in part within a national forest, the application may be filed either with the Federal Power Commission or with a regional forester of the national forest region within which the project is located. Additional information will be requested by the Commission when desired.

In Part 200, insert the following after § 200.5 as a new section:

§ 200.6 *Application for license for minor project having installed capacity of 100 horsepower or less.*

(See § 4.60)

(1) Full name of applicant _____ (a citizen—an association of citizens—a corporation) (strike out all but one) whose post office address is _____ hereby makes application to the Federal Power Commission for a license to authorize construction, operation and maintenance of certain project works fully described herein.

(If a corporation, report State of incorporation and location of principal place of business. Corporations, municipal or private, and associations, must give name and address of person who is authorized to act as agent and consent to accept service upon such agent as equivalent to service upon applicant.)

(2) A concise general description of the project and of the principal project works is as follows:

(Give the name or other designation of the project and disregard such of the following items as are not applicable. Give approximate size and material of which dam, conduits, flumes, pipes and powerhouse are constructed, estimated head to be developed, estimated flow available in stream, proposed flow through plant, and approximate capacity of waterwheel and generator. Unless satisfactory reasons are given to the contrary, the project boundary shall be at least 10 feet (horizontal measurement) from the high water line of reservoirs, on each side of the center line of conduits and on each side of the powerhouse; and at least 20 feet (horizontal measurement) from the center line and ends of dams and from the center line of transmission lines.)

(a) Dams and reservoirs _____

(b) Water conduits, flumes or pipes _____

(c) Powerhouse _____

(d) Generator (installed capacity) _____ kw; waterwheel _____ (hp)

(e) Transmission, distribution and telephone lines _____

(f) Other facilities which are part of project _____

(3) The project is located in the State of _____, County of _____, on the _____ stream, near the Town of _____, in the _____ National Forest, as shown on the map submitted herewith as Exhibit K, which map is hereby made a part of this application.

(4) The lands of the United States which will be affected are:

(a) Surveyed land in public land survey: (Sections and subdivisions thereof; township, range, principal meridian) _____

(b) Unsurveyed land in public-land States: (Estimated location by sections and subdivisions thereof; township, range, principal meridian) _____

(c) If not in a public-land State: (Distance and general direction from a city, town or other fixed monument or physical feature delineated on a map of a scale of 1:500,000 or 1:1,000,000) _____

(5) The following project facilities are located in whole or in part on lands of the United States (dam, reservoir, etc.).

(6) What State water or other permits have been obtained authorizing the construction, operation and maintenance of the proposed project?

(7) The project will produce power for use in (tourist camp, mine, farm, etc., for domestic, industrial or other specified use, by pumps, cooking, heating, etc.) _____ Of the power output, _____ percent will be sold to _____ and _____ percent will be used by the applicant.

(8) It is desired to begin construction of the project within _____ months. It is estimated that construction will be carried on during _____ months and that opera-

tion will be started within _____ months of completion of project construction.

(9) The applicant hereby designates _____ _____ whose address is _____ as its agent and agrees that service upon such agent shall constitute full service upon it for all purposes in connection with any license issued pursuant to this application. (This is to be used only by associations or corporations.)

In witness whereof, the applicant has signed this application on the _____ day of _____, 194__.

_____
(Name of applicant)

By _____
(If applicant is an association)

EVIDENCE OF CITIZENSHIP [1]

(To be used where applicant is an association of citizens and with minor changes where applicant is an individual)

STATE OF _____
County of _____, *ss:*

_____ and _____, being duly sworn, each for himself, deposes and says that he is a citizen of the United States of America, and that all of the members of said Association have signed this affidavit.

_____
_____
_____

Subscribed and sworn to before me, a notary public of the State of _____, this _____ day of _____, 194__.

[SEAL] _____
Notary Public

Exhibit K—Project Map

There shall be submitted pursuant to §§ 4.60 and 200.6 with each application for license for a minor project having installed water-wheel capacity of 100 horsepower or less, as Exhibit K, a map showing the location of all essential project works (dams, reservoirs, conduits, powerhouses, tailraces and transmission lines), the portion of the stream developed, and the entire project area including all Government and privately owned lands affected, indicating state, county, meridian, township, range, section and the smallest legal subdivision or numbered lot or tract. Exhibit K shall conform to the following specifications and shall show the following information:

(1) It shall be an ink drawing on tracing linen, not smaller than 8 inches by 10½ inches, accompanied by three prints thereof with an appropriate scale of one inch equals not more than 1,000 feet.

(2) The project boundary may be stated separately for each facility, or shown on the map, giving the number of feet on each side of the center line of the conduits, powerhouse unit (or units), tailrace, and transmission lines. For reservoirs, show on the map or state the project boundary as at least 10 feet horizontal measurement outside of a contour established by the highest point on the dam or abutment. The distances of the project boundary from the center lines need not be identical on both sides of the center lines of the structures nor for all parts of the project, and, in the vicinity of the powerhouse, they should be large enough to include all necessary project works. Unequal offsets or changes in offsets with points of change should be definitely described on the map. The project area and boundary in the vicinity of the powerhouse should, if necessary for clarity, be shown in an insert sketch to a larger scale than that used for the rest of the project works.

(3) The map shall show the ownership, whether Government or private, for each parcel of land affected by the project. The map shall also indicate whether or not the affected Government land is included in any reservation such as a National Forest, Indian reservation, etc.

(4) If practicable, there shall be shown one or more ties by distance and bearing to established corners of the public land survey from a definite point or points on the project works which point or points can be identified on the ground.

(5) If the project affects unsurveyed Government lands, the protraction of township and section lines shall be shown; such protractions, whenever available, to be those recognized by the agency of the United States having jurisdiction over the lands.

(6) If the project affects Government lands not in the public-land State, give the distance and general direction from a city, town or other fixed monument or physical feature delineated on a map of a scale of 1:500,000 or 1:1,000,000.

The amendments to the "Rules of Practice and Regulations With Approved Forms Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated and prescribed by this order shall become effective on July 1, 1943. The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-9559; Filed, June 14, 1943; 10:06 a. m.]

[1] If applicant is an individual, prepare affidavit accordingly, using only appropriate portion of above form. If applicant is an association, each member must be a citizen and sign the affidavit.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2000]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 22 for the establishment of price classifications and minimum prices for the coals of the Smith No. 2 Vein Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Smith No. 2 Vein Mine, Mine Index No. 310, of Montana Coal & Iron Company in Subdistrict 2 in District No. 22; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 342.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 342.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 I (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted herein with respect to nut coals, 3" x 1⅝" in size, produced from the Smith No. 2 Vein Mine, Mine Index No. 310, of code member Montana Coal & Iron Company for the reason set forth in the order severing that portion of Docket No. A-2000, relating to such coals, from the remainder of the docket, designating such portion as Docket No. A-2000, Part II, and granting temporary relief therein.

Dated: June 4, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 22

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 342.4 *Code member price index*—Supplement R. The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 22. Insert the following in proper alphabetical order under Code Member Price Index:

[Minimum f. o. b. mine prices in cents per net ton for rail transportation in all market areas]

Producer: Montana Coal & Iron Co. Mine name: Smith No. 2 Vein. Mine Index No.: 310. County: Carbon. Subdistrict price group: 2. Shipping point: Bearcreek, Mont. Railroad: MW & S. F. O. G. No.: 10. Truck prices: § 342.4.

The Smith No. 2 Vein Mine (Mine Index No. 310) of the Montana Coal & Iron Co. shall be included in Subdistrict No. 2 in District No. 22, and the coals of that mine, in the respective size groups (excluding Size Group No. 6), shall be subject to the minimum f. o. b. mine prices for shipment via rail to all market areas, for all uses, that are presently in effect for the coals in the Smith Mine No. 1 (Mine Index No. 14) of the Montana Coal & Iron Co., in Subdistrict No. 2 of District No. 22.

FOR TRUCK SHIPMENTS

§ 342.21 *General prices*—Supplement T. Insert under Subdistrict No. 2 in proper alphabetical order the following code member name, mine name, mine index number, county, and minimum prices:

Code Member: Montana Coal & Iron Co. Mine name: Smith No. 2 Vein. Mine Index No.: 310. County: Carbon. Size groups: 1, 415; 2, 390; 3, 415; 4, none; 5, 365; 6, none; 7, 265; 8, 240; 9, 165; 10, 125; 11, 110; 12, 90.

[F. R. Doc. 43-9479; Filed, June 11, 1943; 11:30 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amdt. 69]

PART 802—GENERAL LICENSES

GIFTS TO PRISONERS OF WAR AND INTERNEES

Section 802.16 *Prisoners of war and interned civilians* is hereby amended to read as follows:

§ 802.16 *General license, gifts to prisoners of war and internees.* (a) A general license, designated G-PW-2, is hereby granted authorizing the exportation of gifts to citizens and members of the armed forces of the United States and British Empire who are prisoners of war or interned in enemy occupied territories provided the exportation is made in accordance with the following provisions:

(1) Such gifts shall be packed in a parcel not exceeding 11 pounds gross weight or dimensions of 18 inches in length and girth combined.

(2) Gift parcels shall be sent via U. S. mail only.

(3) Only one gift parcel shall be sent to each prisoner or internee within any sixty day period, except that in addition to any other gift parcel one gift parcel of books weighing not more than five pounds may be sent within any thirty day period and two gift parcels of tobacco may be sent within any sixty day period to each prisoner or internee.

(4) There shall be affixed to each gift parcel except those containing books, an official label furnished the donee by the U. S. Provost Marshal General's Office or a certificate or label furnished the donee by appropriate recognized agency of the British Dominions and colonies. Each label shall be properly filled in according to the instructions of such office or agency. Wherever duplicate copies of a label is furnished one copy shall be placed inside the parcel.

(5) A Post Office Department Customs Declaration shall be filled at the time of mailing on which shall be listed the contents of the parcel: *Provided*, That in lieu thereof, in the event such declaration is not available, a piece of paper shall be affixed to the parcel on which shall be listed in ink the contents thereof.

(6) The following general license designation shall, if not printed on the official label affixed to the parcel, be written on each parcel in ink directly under the address:

General License "G-PW-2"
via New York, New York

(7) Gift articles shall be packed in neither glass containers, in vacuum, soldered or hermetically sealed tins, nor in tin or lead tubes. Nor shall such articles contain any written matter except as provided in paragraph (c) of this section.

(8) Except as otherwise provided in this section the following are the only commodities that may be exported pursuant to this general license:

SMOKING ACCESSORIES

Tobacco pouches
Pipes
Cigarette holders (except paper)
Cigarette cases (nonmetallic)
Pipe cleaners

TOILET ARTICLES

Washing powder
Medicated soap
Bath soap
Towels, bath and face
Mouth washes and dentrifices (non-liquid)
Wash cloths
Shoe polishing cloth
Toilet kits
Tooth powder (in nonmetallic containers)
Tooth brushes
Shoe brushes
Combs (nonmetallic)
Brushes, scrubbing
Hair brushes (nonmetallic)
Clothing brushes
Safety razors
Safety razor blades
Shaving brushes
Non-breakable shaving mirrors
Talcum powder (in nonmetallic containers)
Styptic pencils
Shaving soap cakes and powder
Small metal mirrors
Women's toilet articles except liquids (in nonmetallic containers)
Cleansing tissues
Toilet paper
Camphor ice (cardboard containers)
Sanitary supplies for feminine hygiene
Orange sticks

ITEMS FOR CHILDREN

All kinds of clothing and shoes
Crayons
Small indestructible wooden toys and games

SPORTS AND GAMES

Playing cards
Backgammon
Checkers and other similar board games
Chess
Cribbage
Chinese Checkers
Puzzles and games
Ping Pong or Table Tennis sets
Softballs
Baseballs
Medicine balls
Footballs
Softball or baseball gloves
Poker chips
Dice
Dominoes
Horseshoes
Miniature bowling
Miniature golf
Jump rope (individual type)
Boxing gloves
Soccer ball
Volley ball

CLOTHING

Athletic clothing and shoes
Socks
Sock supporters
Belts
Shirts (regular Army or Navy if prisoners of war) (khaki color only to members of the Army or Navy who are prisoners of war in Italy)
Slacks (regular Army or Navy if prisoners of war) (khaki color only to members of the Army or Navy who are prisoners of war in Italy)
Underwear
Gloves
Handkerchiefs
Mufflers
Sweaters
Shoes (military types only to prisoners of war in Italy)
Shoe laces
Insoles
House slippers
Overshoes (rubbers)
Bathrobes
Pajamas
Nightgowns
Suspenders
Neckties (only service ties for prisoners of war)
Bathing suits
Women's wool hose
Officers' blouses
Women's blouses
Overseas caps
Skirts
Dresses
Ribbon

MISCELLANEOUS ITEMS

Chewing gum
Shoe polish in tins
Toothpicks
Nail clippers
Wallets
Mending kits
Small mending scissors
Sewing kits
Shoe repair leather and nails
Buttons (nonmetallic)
Hair clippers
Vitamin tablets in cardboard containers
Safety pins
Standard phonograph records and needles
Watches (low priced)
Eyeglasses (securely packed)
Service insignia (for prisoners of war)
Religious emblems
Fountain pens
Pen holders
Pen points
Pencils
Water color paints
Oil paints for artists
Paint brushes
Glue (powdered)
Small musical instruments
Rulers
Hair nets and pins
Knitting needles (nonmetallic)
Crochet needles (nonmetallic)
Crochet thread
Knitting yarn.
Elastic
Pillow covers and pillow slips
Table scarfs
Sheets
Rugs

Cooking utensils
Blankets

FOOD ITEMS

Processed American or Swiss Cheese (must be packed in cellophane *and* cardboard containers)
Dried prunes, raisins, or apricots, peaches and apples (in one-pound or one-half pound cellophane packages)
Dried soups (in cellophane bags)
Bouillon cubes (¼ pound)
Cereals of the whole grain variety as the oatmeal and dark farina type, or vitamin fortified white grain cereals (cardboard containers)
Meat extracts, dried (¼ pound)
Nuts—only pecans, Brazil nuts, or peanuts in shell or salted (cellophane bags or cardboard boxes)
Rice (one pound in cellophane or other transparent paper package or cardboard boxes)
Plain or chocolate powdered malted milk in press-in top tins not in excess of one pound
Malted milk tablets in press-in top tins not in excess of 500 tablets
Hard candy
Sweet chocolate in bars (one pound)
Candy bars
Dried cocoa
Dried vegetables in cellophane or cardboard packages
Dried noodles, macaroni or spaghetti in cardboard boxes
Dried figs (in cellophane packages or cardboard containers)
Dates (in cellophane packages or cardboard containers)
Biscuits, cookies and crackers (one pound in cardboard containers)
Coffee in plain bags not in excess of one-fourth (¼) pound
Tea—bulk (loose) in one-fourth (¼) or one-half (½) pound bags or cardboard boxes
Postum (in press-in top tins or cardboard boxes)
Nescafe (in press-in top tins or cardboard boxes)
Ovaltine (in press-in top tins or cardboard boxes)
Cocoa in press-in top cans or cellophane bags not in excess of one-half (½) pound
Sugar in paper bags or cardboard boxes not in excess of one pound
Seasoning materials (pepper and spices)

(b) *Special provision for "tobacco" gifts.* Gifts of tobacco may be exported pursuant to this general license, provided the exportation is made, on behalf of a donee, by any tobacco company designated by the U. S. Provost Marshal General's Office and in accordance with the provisions of paragraph (a) of this section.

(c) *Special provisions for "book" gifts.* Gifts of books may be exported pursuant to this general license, provided the exportation (1) is made, on behalf of a donee, by a bona fide book dealer or publisher, (2) contains no technical data as defined in § 806.1 of this subchapter, (3) conforms to the requirements of the U. S. Office of Censorship, and (4) is made in accordance with the provisions of paragraph (a) of this section.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 34, 7 F.R. 9807)

Dated: June 7, 1943.

HECTOR LAZO,
Assistant Director,
Office of Exports.

[F. R. Doc. 43-9509; Filed, June 12, 1943; 10:06 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 26]

FARM LUMBER

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9125 of April 7, 1942, and War Production Board Regulation No. 1 as amended March 24, 1943, and in order to facilitate the distribution of softwood lumber for essential agricultural needs, *It is hereby ordered:*

§ 903.38 *Directive 26.* (a) Subject to the provisions of paragraph (b), the War Food Administrator is hereby authorized to assign preference ratings to farmers to enable them to get softwood lumber for essential agricultural needs, and to retail lumber dealers to create inventories from which farmers can purchase for such needs.

(b) The Program Vice Chairman, by written memorandum to the War Food Administrator, shall from time to time prescribe conditions with respect to the following matters, and the War Food Administrator, in exercising the authority delegated in paragraph (a) shall comply with the conditions so prescribed:

(1) The level of preference ratings assignable pursuant to paragraph (a).

(2) The uses for which such ratings are assigned.

(3) The form of the instruments by which such ratings are assigned.

(4) The total board feet of softwood lumber for which ratings may be so assigned.

(5) The period of time during which ratings may be so assigned.

(c) The War Food Administrator is authorized to inspect the books, records and other writings of retail lumber dealers to determine their compliance with priorities regulations and orders in so far as preference ratings assigned under the authority of this Directive are concerned.

(d) The War Food Administrator may exercise the authority delegated in this Directive through such officials, including USDA War Boards, as he may determine.

(e) Nothing herein shall be construed to limit or modify any order heretofore issued by the Director of Priorities of the Office of Production Management, by the Director of Industry Operations of the War Production Board, by the Director General for Operations of the War Production Board, or by the War Production Board, as from time to time amended, nor to delegate to the War Food Administrator the power to extend, amend or modify any such order.

(f) For the purpose of this directive:

(1) "Softwood lumber" means any sawed lumber (including shingles and lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of any species of softwood.

(2) "Farmer" means a person who engages in farming as a business by raising crops, livestock, bees or poultry. It does not include a person who raises agricultural products entirely for his own use.

(3) "Retail lumber dealer" means any person engaged in the business of selling softwood lumber to farmers or to farmers and other consumers.

(E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-9529; Filed, June 12, 1943; 11:46 a. m.]

PART 903—DELEGATIONS OF AUTHORITY

[Directive 23, Amdt. 1]

MILITARY RATING PROCEDURE

Section 903.35, Directive 23 (8 F.R. 7373), paragraph (b) (5) is hereby amended to read as follows:

(b) (5) Where capital equipment, not including machine tools, is purchased by or for the account of the military for military operations or for administrative use.

Issued this 12th day of June 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-9554; Filed, June 12, 1943; 4:54 p. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-183]

PALMER MANUFACTURING CORP.

Palmer Manufacturing Corporation of Phoenix, Arizona, has appealed from the provisions of Suspension Order S-183, issued December 26, 1942. After a review of the case it has been determined that Suspension Order S-183 should be modified so as to expire at an earlier date than now specified.

In view of the foregoing: *It is hereby ordered,* That § 1010.183 *Suspension Order S-183* issued December 26, 1942 be revoked.

Issued this 11th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9486; Filed, June 11, 1943; 4:52 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 2 of Priorities Regulation 3]

The following official interpretation is hereby issued with respect to *Priorities Regulation 3* (§ 944.23):

The restrictions on the use of ratings for the items on Lists A, B and C, which were added to the regulation by the amendment of June 4, 1943, apply to orders for such items which had been placed before June 4 but were not yet filled.

Paragraph (f) provides that no person shall give effect to any rating the use of which is restricted by that paragraph, in filling an order. It follows, therefore, that (1) all outstanding ratings on unfilled orders for items on List A are cancelled; (2) all outstanding ratings assigned for maintenance, repair or operating supplies which have been applied on unfilled orders for items on List B are cancelled; and (3) all outstanding ratings other than those specifically authorized by List C on unfilled orders for items on that list are cancelled.

Issued this 12th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9514; Filed, June 12, 1943; 10:17 a. m.]

PART 998—METAL OFFICE FURNITURE AND EQUIPMENT

[Interpretation 1 to Supplementary Limitation Order L-13-a]

The following interpretation is hereby issued with respect to *Supplementary Limitation Order L-13-a*, (§ 998.2):

Paragraph (a) (2) defines "metal bank vault equipment" as "metal office furniture and equipment." Doors made of metal used for metal bank vault equipment (such as, doors for boxes within the bank vault, but not doors giving access to the vault) are subject to L-13-a. All other metal doors, metal door frames and metal shutters, as defined in Limitation Order L-142, are subject to the restrictions of that Order, even though they may be the door, door frame or shutter of a bank vault.

Paragraph (b) (2) permits manufacturers to process, fabricate, work on, assemble or transfer metal office furniture and equipment "Pursuant to a specific purchase order, contract or subcontract for the account of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration when such purchase order, contract or subcontract specifically states that such metal office furniture and equipment is for use on board a steel seagoing or combatant vessel."

The requirement that there be a "specific" purchase order, contract or subcontract, and that such "specific" purchase order, contract or subcontract "specifically" states that the metal office furniture and equipment is for use on board a steel seagoing or combatant vessel makes it imperative that no metal office furniture and equipment be processed, fabricated, worked on, assembled or transferred until actual receipt of the "specific" purchase order, contract or subcontract.

Issued this 12th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9515; Filed, June 12, 1943; 10:17 a. m.]

PART 3063—FOOTWEAR

[Conservation Order M-217, as Amended June 12, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3063.1 *Conservation Order M-217*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except Priorities Regulation 17, which shall be inapplicable to footwear.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers but does not include foot covering designed to be worn over shoes.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) "Horizontal quarter seams" means seams on quarters running in a predominantly horizontal direction (i. e. parallel to the sole).

(5) "Design and construction" of footwear means the make-up of the footwear in every detail, so that any two items of footwear of the same design and construction are necessarily identical, except in size; but does not refer to the means whereby the footwear is manufactured.

(6) "Cattle hide leather" means any leather made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks), and shall also include buffalo hides.

(7) "Pintucking" means a raised effect on the surface of footwear accomplished by either single or double needle stitching, but does not include the raised seam on a moccasin type vamp.

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) "Padded sole house slippers" means slippers having conventional padded soles where the outsole is made of fabric, imitation leather or split leather not over 2½ ounces in weight and is directly stitched to the upper or to a platform cover.

(10) "Line" means footwear of any one of the following types:

Men's dress,
Men's work,
Youths' and boys',
Women's and growing girls',
Misses' and children's,
Infants',
House slippers,
Athletic,
Men's safety shoes, and
Women's safety shoes,

NOTE: Last 2 items added June 12, 1943.

to the extent that such type of footwear is manufactured for sale in the same manufacturer's price range; *Provided*, That:

(i) Footwear of substantially identical kind and quality sold in more than one price range to different types of purchasers shall be deemed one line; and

(ii) In case the sale by the manufacturer is at retail or to a purchaser controlled by the manufacturer, the applicable price range shall be the retail price range.

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent, or twenty-five (25) cents a pair, whichever is the greater.

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 to April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which

can be quickly removed, worn to protect against splashing metals).

(c) *Curtailment in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) Leather seam laps gauging over ½ inch in width.

(ii) Horizontal quarter seams, on lined low quarter shoes.

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and house slippers with fabric uppers.

(v) Woven vamp or quarter patterns.

(vi) Quarter collars, except on unlined shoes and house slippers.

(vii) Bows or other ornaments, if made of leather in whole or in part.

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in goodyear welt footwear other than work shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) Welting in excess of ½ inch in width and 5/32 inch in thickness in shoes other than work shoes, or welting in excess of 9/16 inch in width and 5/32 inch in thickness in work shoes.

(xiii) Straps, buckles, knife pockets or decorative stitching on boots or work shoes.

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) Extension stitched heel seats, except on:

Prewelts in all sizes,
Stitchdowns in all sizes,
Children's shoes up to and including size 3, and
Safety and established orthopedic footwear.

(xvi) Metal nail heads for studs or any metal for decorative purposes.

(xvii) Any stitching thread made from reserved Egyptian cotton (as defined in Conservation Order M-117) or reserved American extra staple cotton (as defined in Conservation Order M-197) for any decorative or any non-functional purpose.

(xviii) Any non-functional or decorative stitching except:

(a) Not more than four rows of non-functional stitching on imitation tips, foxings, saddles, mudguards and moccasin type vamps.

(b) Not more than an aggregate of four rows of functional and non-functional stitching parallel to the vamp, tip, foxing, saddle, and moccasin seams.

(c) Design stitching solely to permit direct non-stop stitching between cut-outs.

(d) Design functional stitching on utility work cowboy boots.

(xix) Any strippings, braidings, pintuckings, lacings or overlays, except those serving a necessary functional purpose.

(xx) Straps passing over, under or through a tongue or vamp.

(xxi) Raised quarter or raised back seams (other than vertical back seams), except on genuine moccasins.

(xxii) Multiple straps, on Roman sandals.

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) Platform soles and platform effects, on all footwear of heel height over 1⅜ inches, using size 4B as the standard.

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) Heels gauging over 2⅛ inches in height, using size 4B as the standard.

(xxvii) Metal spikes, on golf shoes.

(xxviii) Caulk or storm welting.

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) Leather loops performing the function of eyelets.

(2) No person shall use in the manufacture of any footwear any steel shanks of any gauge except:

18 gauge	.045	minimum, 50 carbon steel.
21 gauge	.032	minimum, 50 carbon steel.
19 gauge	.040	minimum, low carbon or basic steel.

unless such shanks were in said person's inventory on September 10, 1942, or were subsequently acquired from a producer of steel shanks who had, prior to September 10, 1942, rolled steel plate for shanks of a different gauge.

(3) No person shall put into process any leather for the manufacture of any boots except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: *Provided, however,* That upon letter application the War Production Board may permit any person to make boots higher than ten inches for use in specified hazardous occupations.

(4) No person shall put into process any leathers or fabrics for the manufacture of footwear of more than one color (subject to unavoidable deviations in shade normally experienced in finishing leathers or dyeing fabrics). This restriction shall apply to the color of stitching, lacing and bindings, but shall not apply to the color of linings and soles. Nothing in this paragraph shall prevent unavoidable discoloring of thread, leather, and perforations as a result of antiquing, or the use of:

(i) Embossed leather or genuine reptiles of the colors permitted in paragraph (f) (1) below but having slight variations in shade caused by normal finishing of such leathers, or

(ii) Embossed leather or genuine reptiles of any color or colors (in all-over shoes) if finished prior to October 16, 1942.

(iii) Shearling collars made of scrap pieces, on house slippers, to the extent available under General Conservation Order M-94.

(iv) An additional color on tips or tongues of safety shoes as above defined.

(5) No person shall put into process for the manufacture of footwear any leather or fabric except leather or fabric finished or dyed in accordance with paragraph (f) below: *Provided, however,* That nothing contained in this paragraph (c) (5) shall prevent any person from using:

(i) Any solid color white cattle hide, turftan, bluejacket blue, gold or silver leather finished prior to March 16, 1943.

(ii) Any other solid color leather or any genuine or imitation reptile leather of any color or colors (in all-over shoes) finished prior to October 16, 1942.

(iii) Any solid color turftan or bluejacket blue fabric acquired by the manufacturer prior to February 20, 1943; or

(iv) Any other solid color fabric dyed prior to September 13, 1942 and acquired by the manufacturer prior to February 16, 1943.

NOTE: Paragraph (v) deleted June 12, 1943.

No person shall use any natural colored leather for the manufacture of any footwear except work shoes.

(6) No person shall put into process any cattle hide upper leather (other than kip sides, kipskins and calf) or upper leather splits gauging 4½ ounces or over for the manufacture of any footwear except work shoes, cowboy utility boots and lined police type high shoes.

(7) No person shall put into process any cattle hide upper leather, or grain leather outsoles (except heads, bellies, shins and shanks of 5 iron or less) for the manufacture of house slippers or romeos.

(8) No person shall attach any leather outsoles or outside leather taps to any footwear having raised or flat seam mocassin type vamps (including genuine moccasins utilizing soles) or mudguard vamps, any saddle-type footwear, or any footwear with imitation wing tips, imitation stitched moccasin types, imitation stitched mudguards and imitation stitched saddles; *Provided, however,* That nothing in this subparagraph (c) (8) shall apply to women's and girls' shoes with heels 1⅛ inches and over in height, using size 4B as the standard.

(9) No person shall put into process any patent leather for the manufacture of men's shoes.

(10) No person shall put into process any upper leather or leather or rubber soles for the manufacture of men's sandals.

(11) No person shall manufacture any leather or part leather bows for use on footwear.

(d) *Restrictions on styling and types manufactured.* (1) No person shall put into process any leather or fabric for the manufacture of any footwear of a design

and construction not utilized by him between September 1, 1940 and December 31, 1942: *Provided, however,* That this paragraph shall not prevent correction of patterns to the extent necessary to remove features prohibited by this order.

The War Production Board may make exceptions to this paragraph in favor of patterns or designs which will conserve leather or other materials.

(2) No person shall put into process any leather or fabric for the manufacture of any women's evening slippers, except those using gold or silver upper leather finished prior to March 16, 1943 with split, head, belly, shin or shank outsoles of 5 iron or less.

(3) No person shall put into process any leather or fabric for the manufacture of any footwear for the special purpose of retail display.

(e) *Exceptions to paragraphs* (c) *and* (d) *above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear the soles other than insoles of which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other nonskid or soundproofing features covering not more than 25% of the area of the bottom of the sole).

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' soft sole footwear.

(6) Footwear the uppers of which are made of shearlings not reserved for military use under General Conservation Order M-94.

(f) *Restriction on tanning and dyeing.* (1) No person shall finish any leather for use as upper leather except in the following colors (subject to unavoidable deviations in shade normally experienced in finishing leathers):

Black.
White, except in cattle hide leathers.
Army russet and town brown, as appearing on the Fall 1942 color card of the Textile Color Card Association of the United States, Inc.
Natural color.

NOTE: Last item added June 12, 1943.

(2) No person shall color any leather or dye any fabric for use in shoe uppers except in the colors mentioned in paragraph (f) (1) above, (subject to unavoidable deviations in shade normally experienced in tanning and dyeing).

(3) No person engaged in the business of shoe manufacturing shall dye any new footwear except in the colors mentioned in paragraph (f) (1) above.

(4) The restrictions in this paragraph shall not apply to the dyeing of fabrics for use in padded sole house slippers or footwear of the type referred to in paragraph (e) (1) above.

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by, or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for nonmilitary use shall not constitute a discriminatory cut.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning March 1, 1943 complete the manufacture of more civilian footwear within any line than his civilian line quota for such line: *Provided, however,* That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear and women's safety shoes) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs (i) (1) and (i) (2).* (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to a lower priced line of the same type of civilian footwear.

(iii) A person may exceed his civilian line quota for any line of men's or women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear: *Provided, however,* That no civilian line quota for any line of men's safety shoes may be exceeded by more than 25%.

(iv) Any person whose civilian line quotas total less than 24,000 pairs, may produce up to 24,000 pairs during any six months' period, provided he increases his production in each line above his quota by the same percentage (with 5% tolerance).

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear made for the physically maimed or deformed on a custom-made basis and not for stock.

(vi) The War Production Board may authorize any person making a line of footwear utilizing non-critical materials to exceed his civilian line quota for such line. Application for such authorization shall be made by letter, describing fully the footwear proposed to be manufactured, listing in detail all the materials to be used and stating the quantity of such footwear to be made, the price range, and all other facts pertinent to the application.

(vii) Any person who has no quota under this paragraph by reason of his not having engaged in business prior to April 30, 1943, may apply by letter for one or more civilian line quotas, describing the types and construction of the shoes he proposes to manufacture, the number of pairs to be made, and the price range, and stating the need for such shoes.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(l) *Reports.* Each person affected by this order shall execute and file with War Production Board such reports and questionnaires as may be required by said Board from time to time.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Ref.: M-217.

(n) *Violations* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may

be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(c) *Effective dates.* This order as amended shall become effective on June 12, 1943, with the exception of paragraph (c) (1) (xxx), which shall become effective on October 1, 1943.

Conservation Order M-217 as presently in force shall remain in force until superseded by this amended order.

Issued this 12th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3063.1 (Conservation Order M-217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date. (Issued October 6, 1942.)

[F. R. Doc. 43-9516; Filed, June 12, 1943; 10:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 3 to CMP Reg. 3]

USE OF ALLOTMENT NUMBERS FOR PURPOSES OF IDENTIFICATION

The following official interpretation is hereby issued with respect to CMP Regulation No. 3 (§ 3175.3):

(a) Under paragraph (f) of CMP Regulation No. 3 each manufacturer of Class A or Class B products who has received an authorized production schedule is required to show the allotment number assigned to the schedule on each rated order for production materials required to fill the schedule. This requirement is for identification purposes and remains effective even though allotment numbers placed on orders after June 30, 1943, will not have any up-rating effect.

(b) On the other hand, a dealer, distributor, jobber or other person receiving a rated order bearing an allotment number or symbol for any material (other than a controlled material) or product, which is not manufactured by him (or which is manufactured by him, but for the manufacture of which he has received no authorized production schedule) is not required to show the allotment number or symbol appearing on his customer's order in extending the rating.

(c) In brief, prime and secondary consumers who have received an authorized production schedule must identify all orders for production materials by the allotment number assigned to the related schedule and persons who are not operating under authorized production schedules may, but need not, do so.

Issued this 12th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9517; Filed, June 12, 1943; 10:17 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E-6, as Amended June 12, 1943]

HAND SERVICE TOOLS

General Preference Order E-6, as amended April 28, 1943, is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hand service tools and of alloy steel used in their manufacture, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.51 *General Preference Order E-6*[1]—(a) *Definitions.* For the purposes of this order:

(1) "Mechanic's hand service tool" means any tool listed on Exhibit A hereto attached which is used by hand, and is made of iron or steel or has a principal component part made of iron or steel.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(3) "Producer" means any person engaged in the production of mechanics' hand service tools.

(4) "PD-1X order" means any order for mechanics' hand service tools now or hereafter placed with a producer by any person acquiring such tools for his own inventory or shelf stock pursuant to a rating assigned on Form PD-1X.

(5) "Other order" means any purchase order for mechanics' hand service tools except PD-1X orders.

(6) "Total monthly production" means either.

(i) The total dollar value of each kind of mechanic's hand service tool listed on Exhibit A hereto attached, scheduled to be produced in any given month by a producer, including both special and standard tools of that kind; or

(ii) The total number of units of each kind of mechanic's hand service tool listed on Exhibit A hereto attached, scheduled to be produced in any given month by a producer.

(b) *Restriction on use of steel.* No producer shall manufacture any mechanics' hand service tools out of any alloy steel except those which are in the series specified in Exhibit B hereto attached or except pursuant to specific permission of the War Production Board.

(c) *Allocation of production between PD-1X orders and other orders.* Commencing with the month of July 1943 and each month thereafter, each producer shall schedule his total monthly production and the delivery thereof as follows:

(1) To the extent that he has PD-1X orders on hand, he shall schedule between 20 and 25 percent of his total monthly production of each kind of mechanic's hand service tool specified in Exhibit A hereto attached for delivery against PD-1X orders requiring delivery in such month. No producer shall schedule any order pursuant to this paragraph (c) (1) unless it clearly appears from such order that the rating applied thereto was assigned on Form PD-1X.

The sequence of deliveries on PD-1X orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(2) To the extent that he has other orders on hand, he shall schedule between 75 and 80 percent of his total monthly production of each kind of mechanic's hand service tool specified in Exhibit A hereto attached for delivery against other orders requiring delivery in such month.

The sequence of deliveries on other orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(3) Any portion of the percentage allocated to PD-1X orders which has not been taken up by such orders on or before the fifteenth day of the month preceding the month being scheduled, shall be scheduled for delivery against other orders, and vice versa.

(d) *Necessity for preference ratings and authorizations to place orders.* Notwithstanding any other provisions of this order:

(1) No producer shall sell or deliver any mechanics' hand service tools pursuant to any purchase order placed prior to June 12, 1943 unless such order bears a preference rating of A-9 or higher, nor shall any producer sell or deliver any mechanics' hand service tools pursuant to any purchase order placed subsequent to June 12, 1943 unless such order bears a preference rating of AA-5 or higher, or except pursuant to specific permission of the War Production Board.

(2) On and after June 12, 1943, no producer shall accept any purchase order or contract for mechanics' hand service tools having a billing value in excess of the amount shown on Exhibit A, except pursuant to specific authorization granted to the purchaser by the War Production Board on Form WPB-1319 (PD-556). No person shall subdivide his purchases for the purpose of obtaining mechanics' hand service tools without such specific authorization. Each person seeking authorization to place a purchase order or a contract for mechanics' hand service tools having a billing value in excess of the amount specified on Exhibit A shall file application on Form WPB-1319 (PD-556) in accordance with special instructions WPB-1319.34 which can be obtained from the War Production Board, Tools Division, Washington, D. C., Reference: E-6.

(e) *Restrictions on inventory.* On and after June 12, 1943, no person purchasing more than ten mechanics' hand service tools of any kind specified on Exhibit A shall accept delivery of any such tools the delivery of which will effect an increase in his inventory beyond a supply required by his current practices for use or for resale during a sixty-day period. In the event that the pro-

[1] Formerly Part 1262, § 1262.1.

visions of Suppliers' Inventory Limitation Order L–63 as applied to any supplier as defined in that order are more restrictive, such provisions shall govern. The restrictions on inventory contained in this paragraph (e) shall not apply to the following designated types of purchase orders:

(1) Purchase orders for mechanics' hand service tools made pursuant to the purchaser's special design or specifications which are not standard items in the producer's production schedules.

(2) Purchase orders placed by the Army, Navy, or Maritime Commission for mechanics' hand service tools required for bases or supply depots outside the continental United States (comprising the several States and the District of Columbia), or for bases or supply depots within the continental United States which are maintained for emergency purposes, or to supply such bases or supply depots outside the continental United States.

(3) Any other purchase order specifically excepted from this restriction by the War Production Board.

(f) *Repair parts.* Nothing in this order shall be construed to prevent the sale and delivery of repair parts for mechanics' hand service tools in accordance with applicable regulations and orders of the War Production Board concerning repair parts.

(g) *Special directions.* With respect to any mechanic's hand service tool, the War Production Board may, notwithstanding any other provision of this order:

(1) Direct the return or cancellation of any order on the books of the producer.

(2) Direct changes in the delivery or production schedule of a producer.

(3) Allocate orders placed with one producer to another producer.

(4) Revoke any authorization to place an order granted pursuant to this general preference order.

(h) *Applicability of General Scheduling Order M–293.* Those mechanics' hand service tools which are listed on the schedule attached to General Scheduling Order M–293 are also subject to the terms and provisions of that order.

(i) *Reports.* Each producer shall execute and file with the War Production Board Form WPB–2057 and such other reports and questionnaires as said Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(l) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: E–6.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 12th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

EXHIBIT A

	WPB–1319 (PD–556) required if order over
Mechanics' cold chisels and punches	$25,000
Metal cutting files	25,000
Machinists' ball pein hammers	25,000
Metal cutting snips and shears	10,000
Pliers, slip joint	10,000
Pliers, solid joint	10,000
Metalworking punches, lever type	10,000
Screw drivers, all types	25,000
Wrenches, socket and driving units	50,000
Wrenches, open end and combination box	25,000
Wrenches, adjustable, 22½° angle	10,000
Wrenches, box	25,000
Wrenches, adjustable auto	25,000
Wrenches, monkey	2,000
Wrenches, pipe	25,000

NOTE: Tools subject to L–53–b are not included herein.

EXHIBIT B

NE 1300 Series
NE 8000 Series
NE 9200 Series
NE 9400 Series
NE 9600 Series

[F. R. Doc. 43–9518; Filed, June 12, 1943; 10:17 a. m.]

PART 1276—PLYWOOD

[Revocation of Limitation Order L–150–b]

HUTMENT GRADE PLYWOOD

Section 1276.11 *Limitation Order L–150–b* is hereby revoked as of June 14, 1943.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–9575; Filed, June 14, 1943; 11:41 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L–265 as Amended June 14, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account, and for export, of electronic equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3037.8 *General Limitation Order L–265*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of individuals whether incorporated or not.

(2) "Manufacture" means produce, fabricate or assemble electronic equipment, or perform any act or operation upon electronic equipment so as to modify or convert it from one to another type, use or mode of operation, but shall not include acts incidental to the maintenance or repair of electronic equipment.

(3) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and any associated or supplementary device, apparatus or component part therefor, and shall include any acoustic phonograph and component parts therefor. The term shall not include:

(i) Hearing aid devices;

(ii) Wire telephone and telegraph equipment;

(iii) Electric batteries;

(iv) Power and light equipment;

(v) Medical, therapeutic, x-ray and fluoroscopic equipment other than replacement electron tubes therefor;

(vi) Phonograph records and needles;

(vii) Automotive maintenance equipment as defined in Limitation Order L–270;

(viii) Incandescent, fluorescent and other electric discharge lamps, as defined in Limitation Order L–28; and rectifier tubes, as defined in Limitation Order L–264.

(4) "Preferred order" means any order for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or any order bearing a preference rating of AA–4 or higher.

(5) "Transfer" means sell, lease, trade, give, deliver, or physically transfer in any way so as thereby to make available for the use of a person other than the transferor, but shall not include the transfer of electronic equipment by one person to another person for repair or storage thereof nor the return of such equipment to the owner thereof (or his agent).

(6) "Producer" means any person to the extent engaged in the manufacture of electronic equipment for transfer or for commercial use.

(7) "Supplier" means any person to the extent that his business consists in whole or in part of the sale, distribution or transfer from stock or inventory of electronic equipment, and includes wholesalers, distributors, jobbers, dealers, retailers, servicemen, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(8) "Consumer" means any person who owns, operates or purchases electronic equipment for his own use.

(b) *Restrictions.* (1) No producer shall manufacture any electronic equipment except:

(i) To fill preferred orders, or

(ii) To fulfill, under the Controlled Materials Plan, an authorized production schedule or authorized program, as defined in CMP Regulation 1.

(2) No producer or supplier (other than Defense Supplies Corporation) shall transfer any electronic equipment to any consumer, nor shall any consumer accept the transfer of any electronic equipment from any producer or supplier (other than Defense Supplies Corporation) except:

(i) To fill preferred orders, or

(ii) To fill orders bearing a preference rating of A–1–a or higher, or

(iii) To fill an order for any component part of electronic equipment provided the consumer delivers to the producer or supplier concurrently with the transfer a used, defective or exhausted part of similar kind and size which cannot be repaired or reconditioned; or, when circumstances render the delivery of a part for a part impractical, provided the consumer's purchase order (or written confirmation thereof) is accompanied by a certificate in substantially the following form signed by the consumer:

CONSUMER'S CERTIFICATE

I hereby certify that the part(s) specified on this order are essential for presently needed repair of electronic equipment which I own or operate.

Signature and Date

(3) No producer or supplier shall transfer any electronic equipment to any supplier, nor shall any supplier accept the transfer of any electronic equipment from any producer or supplier, except:

(i) To fill preferred orders, or

(ii) To fill orders bearing a preference rating of A–1–a or higher or

(iii) To fill an order for component parts of electronic equipment required by the receiving supplier for the repair of electronic equipment then in his possession, or to replace in the inventory of the receiving supplier parts similar in kind and equal in number which have been delivered on or after the 24th day of April 1943 by the receiving supplier to consumers against defective or exhausted parts or consumer's certificates, or to other suppliers against supplier's certificates, as specified in this order; provided the purchase order is accompanied by a certificate in substantially the following form signed by the receiving supplier:

SUPPLIER'S CERTIFICATE

I hereby certify that I am entitled to purchase the items specified on the accompanying purchase order under the provisions of Limitation Order L–265, with the terms of which I am familiar.

Signature and Date

The producer or supplier to whom the above certificate is furnished shall be entitled to rely thereon as evidence that the purchase order is within the provisions of this paragraph (b) (3) (iii), unless he has knowledge or reason to believe that it is false.

(4) No producer or supplier shall retain in his inventory possession or control for more than sixty (60) days any used, defective, exhausted or condemned parts which cannot be reconditioned but must dispose of the same through salvage disposal or scrap channels.

(5) After June 30, 1943, no person shall mark radio receiving type tubes with the symbol "MR" except when authorized or directed to do so by the War Production Board. No person shall use radio receiving type tubes which are marked "MR" in the manufacture of electronic equipment to fill any preferred order. No person shall transfer or accept the transfer of such tubes on any preferred order or any other order bearing a preference rating, except rated purchase orders for export. No producer shall transfer for export in any calendar quarter a quantity in excess of fifteen (15%) percent of his production of such tubes during that calendar quarter. Producers of such tubes may transfer them to each other without restriction.

(c) *Exceptions.* (1) The provisions of this order shall not apply:

(i) To the transfer of any finished product of the following kinds which was produced and designed for home use and the manufacture of which was completed on or before the 24th day of April 1943, to wit: radio receiving sets; phonographs and record players; sound motion picture projectors.

(ii) To transfers of electronic equipment which transfers are made on or before the 23d day of June 1943 pursuant to purchase orders placed prior to the 24th day of April 1943.

(iii) To the lease of electronic equipment to any person by any person: *Provided*, That the lessor was actually engaged in the leasing of such equipment as a normal incident and part of his established business prior to the 24th day of April 1943.

(iv) To the transfer of any finished product of the following kinds, the manufacture of which was completed on or before the 24th day of April 1943: automobile radio receiving sets designed for the reception of standard broadcasts; automatic phonographs as defined in Limitation Order L–21.

(v) To transfers of radio antennae; antenna couplers; power supplies and battery cables for battery type home radio receivers; automobile radio control assemblies, loudspeakers and cables; electric fence excitors; or musical instruments (other than phonographs and radios) which involve the use of vacuum or gaseous tubes and the manufacture of which was completed on or before the 24th day of April 1943.

(2) The War Production Board may from time to time specifically authorize in writing exceptions to the provisions and restrictions of paragraphs (b) (2) and (b) (3) hereof.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance.

(g) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington, D. C., Ref: L–265.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–9576; Filed, June 14, 1943; 11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 14]

RERATING NOT COMPULSORY

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1):

Any person who has placed a delivery order prior to May 16, 1943, and who applied to the order the preference rating assigned to him with an advance allotment, shall not be required to rerate the order even though the preference rating assigned with the person's third quarter allotment may be lower than the preference rating assigned with the advance allotment. This direction shall not be affected by the provisions of Priorities Regulation No. 12.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–9577; Filed, June 14, 1943; 11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 15]

MILL STOCKS OF STEEL

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1):

A producer of controlled materials who on January 1, 1943, maintained a mill stock of steel products may continue to maintain such stock at any location he desires, provided title to such stock has not been transferred to a consumer of steel or a warehouse, and provided further the quantity of any steel product maintained in such stock does not exceed the average inventory of such product maintained in such stock between January 1 and May 1, 1943. A shipment made by a producer from mill stock may be replaced from mill rollings provided such replacement is made of the product shipped and within a period not exceeding 60 days from the date of such

shipment. The production of steel products for mill stocks shall be within the limits of the current production directives covering the production of such products.

The foregoing does not apply to producer-owned stocks of steel products held on consignment by a distributor (as defined in CMP Regulation No. 4). Such stocks are subject to the rules governing warehouses and dealers set forth in CMP Regulation No. 4 and in General Preference Orders M-21-b-1 and M-21-b-2.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9578; Filed, June 14, 1943; 11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 16]

REPLACEMENT OF DEFECTIVE CONTROLLED MATERIAL

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1) to all controlled materials producers providing for the replacement of material rejected by a customer because of nonconformity with specifications.

STEEL

(1) Replacement orders shall be filled in preference to all other orders, regardless of whether such other orders are authorized controlled material orders or orders bearing higher preference ratings, in the absence of specific instructions by the Steel Division of the War Production Board to the contrary. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) A producer of controlled materials, as defined in CMP Regulation No. 1, whose material has been rejected by his customer shall replace that portion of material which has been rejected without requiring the extension of an additional allotment, even though delivery of the steel is made in a subsequent quarter. If, however, shipment of the replacement order cannot be made in time to meet the delivery requirements of his customer, he must immediately notify, in writing, the Chief of the appropriate Product Section, Steel Division, giving a full explanation. The customer may receive the replacement steel without making further charge to an allotment, even if delivered in a subsequent quarter.

(3) The rejected steel should, if possible, be applied in accordance with applicable regulations and orders of the War Production Board. If the rejected steel cannot be so applied, the controlled materials producer should attempt to find another suitable application, and the proposed disposition should be submitted promptly to the appropriate Product Section of the Steel Division for approval.

COPPER

(1) Copper produced to fill authorized Controlled Material orders and rejected by a customer for nonconformity with specifications shall be replaced in preference to all other orders in the absence of specific instructions by the Copper Division of the War Production Board to the contrary. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders. If the replacement copper is not delivered before 30 days following the expiration of the quarter in which delivery was originally scheduled, the producer must report the matter to the Copper Division before making delivery. However, no further authorization is required.

(2) Such replacements shall be made without requiring the extension of an additional allotment, even though delivery of the material is made in a subsequent quarter. If, however, some of the material cannot be replaced in time to meet a War Production Board production schedule or the delivery requirements of the producer's customer, the producer shall immediately notify the Copper Division in writing, giving a full explanation. The customer may receive the replacement copper without making further charge to an allotment, even if the copper is delivered in a subsequent quarter.

(3) The customer rejecting material shall immediately report the facts to the producer and dispose of such material only in accordance with written instructions from the producer. Unless the material is scrap, the producer, despite the provisions of § 944.11 of Priorities Regulation No. 1, shall direct that the material be returned to him or be delivered to another customer to fill any order which the producer is entitled to fill with new material under applicable regulations and directions. If the material is scrap it must be handled pursuant to Order M-9-b.

ALUMINUM

(1) Replacement orders for rejected aluminum shall be filled in preference to all other orders not in actual production on the day of the receipt of the replacement order. The provisions of subparagraphs (4) and (5) of paragraph (t) of CMP Regulation No. 1 shall not restrict delivery of replacement orders.

(2) Replacement orders for rejected aluminum are deemed to be covered by the same authorized controlled material order or other authorized order against which the rejected shipment was made. Accordingly, the producer shall not require an additional allotment or other authorization from his customer to secure replacement material if the original shipment was made in accordance with applicable regulations and directives even though delivery of the material is made in a subsequent quarter. The customer may receive the replacement aluminum without making further charge to an allotment, even if delivered in a subsequent quarter.

(3) The rejection of the material shall be reported immediately to the producer and despite provisions of § 944.11 of Priorities Regulation No. 1, the material shipped by his customer in accordance with his instructions. Unless the material is scrap, he shall direct that the material be returned to him or delivered to another customer to fill any order which he is entitled to fill with new material under applicable regulations and directives. If the material is scrap, it must be handled pursuant to order M-1-d.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9579; Filed, June 14, 1943; 11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 17]

BRASS MILL DIRECTION

The following direction is issued to all brass mills pursuant to paragraph (t) (5) of CMP Regulation No. 1 (§ 3175.1):

(a) Brass mills which have accepted authorized controlled material orders for April, 1943 delivery, and which have not been able to make delivery either in April or in May, shall fill such orders without being specifically directed to do so under paragraph (t) (5) of CMP Regulation No. 1 if (i) such orders are in a stage of production which will not permit diversion of material to other authorized controlled material orders calling for May or later delivery and (ii) they will be completed and shipped by June 30, 1943. Such orders need not be reported as provided in paragraph (t) (5) All other authorized controlled material orders for April delivery unshipped at the first of June, 1943, must be reported as provided in paragraph (t) (5) and shall not be filled unless the brass mill is specifically directed by the War Production Board to do so.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9580; Filed, June 14, 1943; 11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 18]

TENTATIVE ACCEPTANCE OF ORDERS FOR STEEL

The following direction is issued to all steel producers pursuant to paragraph (t) of CMP Regulation No. 1 (§ 3175.1):

Paragraph (t) (2) (iii) of CMP Regulation No. 1 provides that a controlled material producer shall refuse an order for shipment of any product in any month if acceptance would result in his exceeding 110% of his production directive or 105% of his expected production. A steel producer who receives an order for a particular month which he cannot accept because of this provision, but who has open space available on his schedule in the first or second month following, must tentatively accept such order for delivery as early as possible and must promptly notify the customer the month for which such order has been tentatively accepted, subject to written confirmation within seven days by the customer. The customer must confirm his prior certification and furnish an allotment number for a later quarter if the order cannot be accepted for delivery until that time.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9581; Filed, June 14, 1943; 11:41 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Inventory Direction 9 Under CMP Reg. 2]

AIRCRAFT ALUMINUM RIVETS

§ 3175.109 *Inventory Direction 9.* Pursuant to paragraph (b) (2) of CMP Regulation 2: *It is hereby ordered,* That:

During the period from the date of this direction through December 31, 1943, the provisions of CMP Regulation 2 shall not apply to the acceptance of deliveries of aluminum rivets which are acquired for use in the production of aircraft or components thereof. After December 31, 1943, this inventory direction shall cease to be of any effect and the provisions of CMP Regulation 2 shall apply.

Issued this 14th day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9582; Filed, June 14, 1943; 11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Revocation of Gasoline Rationing Emergency Order 3]

VIRGIN ISLANDS

It is hereby declared that in the judgment of the Director, that the supply of gasoline in the municipality of St. Croix, Virgin Islands, is now sufficient to permit operation of Ration Order No. 8, the Gasoline Rationing Regulations for the Virgin Islands, and that the protection of health, property, and the maintenance of other necessary services for the well-being of the population will not be impaired, if general distribution of gasoline is permitted under the said order.

Pursuant to the authority vested in the Director by Revised General Order 21, Gasoline Rationing Emergency Order No. 3 is hereby revoked.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive 1, Supp. Dir. 1–J, 7 F.R. 562)

This order shall become effective June 1st, 1943.

Issued this 31st day of May 1943.

JACOB A. ROBLES,
Territorial Director.

[F. R. Doc. 43-9435; Filed, June 10, 1943; 3:51 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 20]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. Section 2.13 (a) is amended by adding the following:

Separate invoices shall be furnished for rationed shoes and non-rationed footwear. Each invoice shall be plainly marked with the word "rationed" or "non-rationed." In the case of a transfer of rationed shoes permitted by §§ 3.5 or 3.6, for which ration currency is not received, the word "exempt" shall be written on the invoice.

This amendment shall become effective June 16, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1–T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9491; Filed, June 11, 1943; 5:04 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 5756, 6046, 6687, 7198, 7261.

PART 1499—COMMODITIES AND SERVICES

[Order 550 Under § 1499.3 (b) of GMPR]

BURBANK KITCHENS OF BURBANK, CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1988 *Authorization of maximum selling prices for sales of "Chuck Wagon Dinner", a package containing 11 ounces net weight, consisting of 12 varieties of precooked beans, dehydrated and packed with a container of seasoning, packed 24 packages to the shipping case, and for sales of "Soya Shred Soup Mix", a package containing 2½ ounces net weight consisting of seasoning prepared soya shreds, and a gelatin capsule of pure chicken fat, packed 24 packages to the shipping case, both products manufactured by Paul Bragg, trading as the Burbank Kitchens of Burbank, California, and for sales by wholesalers and by retailers.* (a) On and after June 12, 1943, the maximum selling prices for "Chuck Wagon Dinner", packed 24/11 ounce packages to the case, and for "Soya Shred Soup Mix", packed 24/2½ ounce packages to the case for sales by Paul Bragg, trading as the Burbank Kitchens of Burbank, California, shall be:

"Chuck Wagon Dinner"

For sales to wholesalers and retail distributing warehouses	$6.35
For sales to independent retailers	7.94

"Soya Shred Soup Mix"

For sales to wholesalers and retail distributing warehouses	$3.60
For sales to independent retailers	4.50

all prices subject to a discount of 2% for prompt payment, delivered to purchasers' stations.

(b) Sellers at wholesale are authorized maximum delivered prices of $7.94 per case of 24/11 ounce packages of "Chuck Wagon Dinner" and $4.50 per case of 24/2½ ounce packages of "Soya Shred Soup Mix".

(c) Sellers at retail shall determine their maximum selling prices of "Chuck Wagon Dinner", 11 ounce package, and "Soya Shred Soup Mix", 2½ ounce package, by adding to their net cost of that item a markup of 40% of their net cost. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer may increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for the item being priced delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him except a discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(d) Paul Bragg, trading as the Burbank Kitchens of Burbank, California, and sellers at wholesale shall apply discounts, allowances, and trade practices to the sales of "Chuck Wagon Dinner" and "Soya Shred Soup Mix" no less favorable than those applied by them to sales of comparable commodities.

(e) *Notification.* (1) On and after June 12, 1943, Paul Bragg, trading as the Burbank Kitchens of Burbank, California, shall supply to each of his purchasers before or at the time of first delivery of "Chuck Wagon Dinner" or "Soya Shred Soup Mix" a written notification as follows:

Notification From Paul Bragg, Trading as the Burbank Kitchens of Burbank, California, to His Purchasers

The OPA has authorized us to charge the following maximum delivered prices, less 2% for prompt payment, for "Chuck Wagon Dinner" packed 24/11 ounce packages to the case, and for "Soya Shred Soup Mix" packed 24/2½ ounce packages to the case:

"Chuck Wagon Dinner"

For sales to wholesalers and retail distributing warehouses	$6.35
For sales to independent retailers	7.94

"Soya Shred Soup Mix"

For sales to wholesalers and retail distributing warehouses	$3.60
For sales to independent retailers	4.50

subject to customary discounts, allowances and trade practices. Wholesalers are authorized a maximum selling price of $7.94 per case of "Chuck Wagon Dinner" packed 24/11 ounce packages to the case, and a maximum selling price of $4.50 per case of "Soya Shred Soup Mix" packed 24/2½ ounce packages to the case. Retailers shall establish ceiling prices by adding to their net cost 40% of their net cost. Net cost is invoice cost of the item being priced at the customary receiving point, less all discounts, except for prompt payment, and excluding charges for local hauling. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in each case of these items. If the initial sale of these items to any retailer is a split case sale, wholesalers are required to provide such retailers with a copy of the retail notice so enclosed. OPA requires that you keep this notice for examination.

(2) Paul Bragg, trading as the Burbank Kitchens, shall for a period of three months from the effective date of this order place in or on each case of 24 packages of "Chuck Wagon Dinner" and "Soya Shred Soup Mix" a notification to retailers as follows:

Notification From Paul Bragg, Trading as the Burbank Kitchens of Burbank, California, to Retailers

The OPA authorizes retailers to establish ceiling prices for "Chuck Wagon Dinner" in 11 ounce packages, and "Soya Shred Soup Mix" in 2½ ounce packages by adding to their net cost of these items 40% of their net cost. Net cost is the invoice cost of the item being priced at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notice for examination.

(f) This Order No. 550 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 550 (§ 1499.1988) shall become effective June 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9496; Filed, June 11, 1943; 5:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 551 Under § 1499.3 (b) of GMPR]

CONSOLIDATED DAIRY PRODUCTS CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1989 *Authorization of maximum prices for sales of frozen "Consolidated Cooked Vegetable Stew" in 10 pound 2 ounce containers by Consolidated Dairy Products Co., Inc.* (a) On and after June 12, 1943, the maximum selling prices for frozen "Consolidated Cooked Vegetable Stew" per 10 pound 2 ounce containers for sales by Consolidated Dairy Products Co., Inc., 11–50 Forty-Fourth Road, Long Island City, New York shall be:

$2.33 f. o. b. plant Long Island City, New York
$2.63 delivered within 50 miles of plant
$2.94 delivered over 50 miles, but within 300 miles of plant
$3.24 delivered over 300 miles, but within 600 miles of plant

(b) This Order No. 551 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 551 § 1499.1989 shall become effective June 12, 1943.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9497; Filed, June 11, 1943; 5:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 552 Under § 1499.3 (b) of GMPR]

LIVE FOOD PRODUCTS COMPANY OF BURBANK, CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1990 *Authorization of maximum selling prices for sales of "Chuck Wagon Bean Dinner," a package containing 7⅔ ounces net weight, consisting of 6 varieties of pre-cooked dried beans, dehydrated and packed with a container of seasoning, packed 24 packages to the shipping case, manufactured by Paul Bragg, trading as Live Food Products Company of Burbank, California, and for sales by wholesalers and by retailers.* (a) On and after June 12, 1943, the maximum selling prices for "Chuck Wagon Bean Dinner," packed 24/7⅔ ounce packages to the case, for sales by Paul Bragg, trading as Live Food Products Company of Burbank, California, shall be:

	Per case
For sales to wholesalers and retail distributing warehouses	$4.75
For sales to independent retailers	5.95

subject to a discount of 2% for prompt payment, delivered to purchasers' stations.

(b) Sellers at wholesale are authorized a maximum delivered price of $5.95 per case of 24/7⅔ ounce packages of "Chuck Wagon Bean Dinner."

(c) Sellers at retail shall determine their maximum selling prices of "Chuck Wagon Bean Dinner," 7⅔ ounce package, by adding to their net cost of that item a markup of 40% of their net cost. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer may increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for "Chuck Wagon Bean Dinner" delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him except a discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(d) Paul Bragg, trading as Live Food Products Company of Burbank, California, and sellers at wholesale shall apply discounts, allowances, and trade practices to the sales of "Chuck Wagon Bean Dinner" no less favorable than those applied by them to sales of comparable commodities.

(e) *Notification.* (1) On and after June 12, 1943, Paul Bragg, trading as Live Food Products Company of Burbank, California, shall supply to each of his purchasers before or at the time of first delivery of "Chuck Wagon Bean Dinner" a written notification as follows:

Notification From Paul Bragg, Trading as Live Food Products Company of Burbank, California, to His Purchasers

The OPA has authorized us to charge the following maximum delivered prices, less 2% discount for prompt payment, for "Chuck Wagon Bean Dinner" packed 24 7⅔ ounce packages to the case:

	Per case
For sales to wholesalers and retail distributing warehouses	$4.75
For sales to independent retailers	5.95

subject to customary discounts, allowances and trade practices. Wholesalers are authorized a maximum selling price of $5.95 per case of "Chuck Wagon Bean Dinner," packed 24 7⅔ ounce packages to the case. Retailers shall establish ceiling prices by adding to their net cost 40% of their net cost. Net cost is invoice cost at the customary receiving point, less all discounts, except for prompt payment, and excluding charges for local hauling. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half fractions to the next even cent). A copy of a notification to retailers is included in each case of this item. If the initial sale of this item to any retailer is a split case sale, wholesalers are required to provide such retailers with a copy of the retail notice so enclosed. OPA requires that you keep this notification for examination.

(2) Paul Bragg, trading as Live Food Products Company, shall for a period of three months from the effective date of this order place in or on each case of 24 packages of "Chuck Wagon Bean Dinner" a notification to retailers as follows:

Notification From Paul Bragg, Trading as Live Food Products Company of Burbank, California, to Retailers

The OPA authorizes retailers to establish ceiling prices for "Chuck Wagon Bean Dinner" in 7⅔ ounce packages by adding to their net cost of this item 40% of their net cost. Net cost is the invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notification for examination.

(f) This Order No. 552 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 552 (§ 1499.1990) shall become effective June 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9494; Filed, June 11, 1943; 5:04 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Temporary MPR 31,[1] Amdt. 3]

FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES EXCEPT WAR AND NAVY DEPARTMENT AND DEFENSE SUPPLIES CORPORATION PURCHASES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 3 (a) is amended by adding the following sentence at the end thereof: "However, this regulation shall not apply to tires and tubes imported into the United States and sold by Rubber Development Corporation."

This amendment shall become effective June 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9495; Filed, June 11, 1943; 5:06 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5745, 6547, 7116.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329,[1] Amdt. 10]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 329 is amended in the following respects:

1. A new subparagraph (6) is added to § 1351.402 (a) to read as follows:

(6) Maximum prices for purchases of "milk" from producers for resale as fluid milk in the Norfolk-Portsmouth and Newport News-Williamsburg, Virginia areas are modified and adjusted in § 1351.415 below.

2. A new paragraph (l) is added to § 1351.404 to read as follows:

(l) "Norfolk-Portsmouth and Newport News-Williamsburg, Virginia areas" means the counties of Accomac, Elizabeth City, Gloucester, James City, Mathews, Norfolk, Northampton, Princess Anne, Warwick, and York in Virginia, together with the municipalities lying within the geographical limits thereof. These marketing areas are geographically defined in Rules and Regulations, as amended, issued by the Virginia State Milk Commission, effective August 13, 1941.

3. A new paragraph (o) is added to § 1351.415 to read as follows:

(o) The maximum price which a purchaser selling bottled milk in the Norfolk-Portsmouth and Newport News-Williamsburg, Virginia areas may pay a producer for "milk" purchased for resale as fluid milk therein shall be $4.65 per cwt. for 4% b. f. milk, or the equivalent thereof, f. o. b. the buyer's plant.

This amendment shall become effective on June 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved:

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9488; Filed, June 11, 1943; 5:02 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[MPR 329,[1] Amdt. 11]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 329 is amended in the following respects:

1. The first undesignated paragraph of § 1351.415 (a), beginning with the words "the maximum price", is amended to read as follows:

The maximum price for each grade of "milk" purchased from a producer for resale as fluid milk in the Atlanta Regional area (except Arlington and Fairfax Counties in Virginia and the Norfolk-Portsmouth and the Newport News-Williamsburg, Virginia areas, for which adjusted maximum prices are set in paragraphs (e), (i), and (o) of this section) shall be the highest price each purchaser from a producer paid that producer for "milk" of the same grade received during January 1943, or the following, whichever is higher:

2. Section 1351.415 (b) is amended to read as follows:

(b) If a purchaser did not purchase "milk" from a producer during January 1943 and his maximum price cannot be determined under paragraph (a) of this section, his maximum price shall be the established maximum price paid by a purchaser of the same or most similar class who purchased "milk" from the producer during January 1943 subject to applicable price differentials, allowances, and discounts for grade or quality, type of purchaser or otherwise, or the following, whichever is higher:

The highest price paid to the producer by a purchaser of the same or most similar class for "milk" delivered during March 1942, subject to applicable price differentials, allowances and discounts for grade or quality, type of purchaser or otherwise, plus 10¢ per cwt. for each full ¼¢ increase over March 1942 in the purchaser's maximum resale price for standard fluid sweet milk in quart container sizes. The "increase" in resale prices means the increase since March 1942 in the highest price, before discounts and allowances, charged any purchaser either at retail or at wholesale. He shall use the rate of increase at retail in calculating increased buying prices to producers if retail sales made up the greater part of his total volume of sales during January 1943; if not, he shall use the rate of increase applicable to wholesale sales.

This amendment shall become effective June 11, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved:

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-9489; Filed, June 11, 1943; 5:02 p. m.]

PART 1389—APPAREL

[MPR 172,[1] Amdt. 4]

CHARGES OF CONTRACTORS IN APPAREL INDUSTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 172 is amended in the following respects:

1. Section 1389.53 is amended to read as follows:

§ 1389.53 *Maximum contractors' charges.* The seller's maximum price for any service governed by this regulation shall be as follows:

(a) *Where the material is consigned to the contractor.* The total of the following:

(1) The direct labor cost of the service;

(2) The same percentage margin over direct labor cost obtained by the contractor for the same or similar services in March 1942.

Certain wage increases paid pursuant to order of the National War Labor Board may be added to the above amount in appropriate cases described in Appendix A (§ 1389.62).

Direct labor cost shall be computed on the basis of wage rates paid by the contractor on March 31, 1942, or the nearest prior date upon which such wage rates were paid, plus any increase subsequent thereto pursuant to a collective bargaining contract or other wage agreement which contract was entered into on or before April 27, 1942, and which provides for an unconditional increase in wage rates of a fixed amount or percentage.

(b) *Where the material is sold to the contractor.* The total of the following:

(1) The direct labor cost of the service, which shall be computed according to paragraph (a) hereof;

(2) The same percentage margin over direct labor cost obtained by the contractor for the same or similar services in March 1942;

(3) The actual cost to the contractor of the material sold to the contractor by the principal.

Certain wage increases paid pursuant to order of the National War Labor Board may be added to the above amount in appropriate cases described in Appendix A (§ 1389.62).

(c) *Where the contractor cannot determine his price under* (a) *or* (b). If the contractor cannot determine the maximum price for a service pursuant to paragraph (a) or (b) hereof, the maximum price for such service shall be the total of the following:

(1) Direct labor cost of the service, which shall be computed as in paragraph (a);

(2) The same percentage margin over direct labor cost obtained by the contractor in March 1942

(i) For the services rendered in connection with the manufacturing of the

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 2038, 2874, 3252, 3621, 4726, 5933, 5907, 5933, 6734.

[1] 8 F.R. 2038, 2874, 3252, 3621, 4726, 5907, 5933, 6734.

[1] 7 F.R 4882, 6684, 8351, 1949, 10864.

most closely related article of the same type; or

(ii) If the contractor did not furnish services in connection with the manufacture of articles of the same type, then the same percentage margin over direct labor cost obtained by his most closely competitive seller of the same class in March 1942 for services performed on the manufacture of articles of the same type.

Certain wage increases paid pursuant to order of the National War Labor Board may be added to the above amount in appropriate cases described in Appendix A (§ 1389.62).

2. Section 1389.62 is added to read as follows:

§ 1389.62 *Appendix A: Wage increases paid pursuant to order of the National War Labor Board.* Certain contractors may add to the maximum charges calculated under § 1389.53, wage increases paid pursuant to the order of the National War Labor Board described in this paragraph as follows:

Any increase up to 7% in wages paid to an employee performing direct labor pursuant to the order of the National War Labor Board dated April 23, 1943, and approved by the Economic Stabilization Director on May 24, 1943, by a contractor who is a member of the United Better Dress Manufacturers' Association, Inc., or the United Popular Price Dress Manufacturers' Association, Inc., or who is a member or whose principal is a member of the Affiliated Dress Manufacturers' Association, Inc., the National Dress Manufacturers' Association, Inc., or the Popular Price Dress Manufacturers' Group, Inc.

This amendment shall become effective June 11, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9329, 8 F.R. 4681)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9490; Filed, June 11, 1943; 5:03 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 21]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 1.1 is amended by adding before the matter in parentheses:

A stamp or certificate sent by a consumer to an establishment with a mail order is considered to be used within its valid period, if the envelope in which it is enclosed is post-marked within the time it is valid for consumer use.

2. Section 1.16 is amended by adding the following to the schedule:

War ration book No.	Stamp No.	Valid period (for men's, women's, and children's shoes
*	*	* * *
One	18	June 16, 1943, to October 31, 1943, inclusive.

This amendment shall become effective June 11, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 11th day of June, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9492; Filed, June 11, 1943; 5:04 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 5]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 22 Table IX (a) (4) is amended by deleting the word "Honolulu" and substituting the word "Hilo".

2. The table following section 37 (b) is amended by adding models to the makes Philco, Admiral, Emerson, Music Master, Knight, Traveler, Zenith, RCA-Victor, Olympic, Magnavox; and by adding the new makes Firestone, Motorola, Lafayette, Templetone, Symphony, Wurlitzer, Wilcox Gay all to read as follows:

Model	*Ceiling*
Philco:	
42-345T	$57.95
42-724	61.50
41-256	64.50
A 361	82.50
A80ICS	95.00
HR75	79.50
AR-40	42.50
AR-10	29.95
42-395	129.95
42-730	91.95
42-760	128.75
Admiral:	
4207 B12	226.00
4218 C7	158.95
Emerson:	
427	38.50
434	37.00
EF-363	69.95
Music Master:	
TK509	54.95
Knight:	
D-125	74.50
D-162	44.95
D-367	46.95
Traveler:	
221	39.95
Zenith:	
4K600	$28.50
5R641	35.95
5S619	49.50
5R1618	29.95
5S1680	87.50
6D614	31.95
6D619	47.50
6S624	67.50
6S1624	77.50
6S643	79.50
6G638	80.50
6S1682	222.95
7J645	112.95
7D624	65.50
7D643	74.95
8W645	119.50
8W662	143.00
6R684	76.95
RCA-Victor:	
V-225	485.00
Olympic:	
501	60.50
Magnavox:	
42-G Console Combination	399.00
Firestone:	
7403-1	23.70
7397-1	22.40
7397-5	26.55
Lafayette:	
FE225	125.78
JA 308	39.25
JA 309	41.50
22543	97.82
B112	113.92
B275	145.00
FE253	127.21
B272	174.56
B214	296.42
M212B	222.95
M212F	210.66
B280	139.44
K21880	17.69
Templetone:	
G121	47.50
Symphony:	
90 Portable Phonograph	32.95
Wurlitzer:	
750-E Juke Box	795.00
750 Juke Box	725.00
Wilcox Gay:	
A-114	277.95
Motorola:	
51 x 19	25.95
61T21	43.00
61 x 17	29.50

This amendment shall become effective as follows:

(a) Section 22, Table IX (a) (4) shall become effective as of April 20, 1943.

(b) Section 37 (b) shall become effective as of June 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9493; Filed, June 11, 1943; 5:02 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 27]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 5756, 6046, 6687, 7198, 7261.

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457.

[1] 8 F.R. 2195, 2348, 2598, 2666, 2667, 3178, 3216, 3255, 3616, 3851, 4131, 4325, 4784, 4785, 4839, 5341, 5265, 5476, 5476, 5485, 5843, 6118, 6439, 6956, 7105, 7453.

Section 15.4 is added to read as follows:

SEC. 15.4 *Institutional users may transfer rationed foods in certain cases.* (a) (1) A Group II or III institutional user who desires to sell or transfer any of his excess inventory of a rationed food may apply for permission to do so. The application must be made on OPA Form R–315 to the Board. He must state in his application the amount (in points for foods rationed under the point system and in pounds for other rationed foods) he wishes to sell or transfer, the reason he wishes to sell or transfer it, the manner in which it is to be sold or transferred and any other information the Board requests. The Board shall grant the application if good cause is shown. If the application is granted, the food must be sold or transferred for stamps, certificates or ration checks in the same way that a retailer is permitted to sell or transfer that food. Within five (5) days after the sale or transfer, the transferor must give up to the Board all stamps, certificates and ration checks which he received for the rationed food sold or transferred. The Board shall reduce his excess inventory of that food in an equal amount.

(2) The same rules apply to Group I institutional users who have a remaining opening inventory of a rationed food.

(3) The rules contained in (1) and (2) above do not apply to home processed foods or to processed foods produced in accordance with section 28.8. Transfers of those foods are governed by sections 28.2, 28.4 and 28.8.

(b) An institutional user who operates a railway dining car or railway terminal dining facilities may sell or transfer rationed foods to other such institutional users for use at establishments of that type. Such sale or transfer may be made only in exchange for certificates or ration checks equal in value to the rationed foods sold or transferred. Both the transferor and transferee must keep a record of the transfer, showing the name and address of the transferor and transferee, the date on which the rationed food was sold or transferred, the quantity of rationed foods transferred and the amount of the certificates or ration checks received. The transferor may use any certificates or rationed checks so received.

This amendment shall become effective June 18, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, 3471, respectively.)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–9539; Filed, June 12, 1943; 2:31 p. m.]

PART 1316—COTTON TEXTILES

[MPR 11,[1] Amdt. 5]

FINE COTTON GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1316.4 Table III subparagraphs (4) (i), (4) (ii), (5) (i) and (5) (ii) are amended by changing the date May 24, 1943 in each to read June 24, 1943.

This amendment shall take effect May 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–9537; Filed, June 12, 1943; 2:36 p. m.]

PART 1340—FUEL

[MPR 112,[2] Amdt. 13]

PENNSYLVANIA ANTHRACITE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.193 is amended to read as follows:

§ 1340.193 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective June 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–9536; Filed, June 12, 1943; 2:35 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 361, 2206, 4628, 4725, 5477.

[2] 8 F.R. 3367.

PART 1340—FUEL

[MPR 121,[1] Amdt. 18]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.243 is amended to read as follows:

§ 1340.243 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective June 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–9535; Filed, June 12, 1943; 2:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[2] Amdt. 26]

SPECIFIC FOODS; MALTED MILK POWDER

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.803a is added to read as follows:

§ 1351.803a *Packers' maximum prices for certain commodities packed in new container types and sizes—(a) Explanation.* The purpose of the method of pricing provided by this section, is to permit the packer who is now packing certain commodities in containers of new types and sizes (i. e., types and sizes which he did not deliver or offer for delivery during the period September 28 to October

[1] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948, 10529, 8 F.R. 1895, 2756, 4179, 5757, 6261, 6951, 6957.

[2] 8 F.R. 5165, 6357, 7196.

2, 1942, inclusive) to establish maximum prices for those items. The method permits him to account for differences in container costs, and for differences in transportation costs caused by the difference in containers, without permitting him to increase the price per unit of the commodity packed in the new container. The new method, however, applies only where a previous maximum price of the commodity has been set for a container size not more than 50 percent larger or smaller than the new size, and only in cases where both containers are of the non-returnable, single-use type. This new pricing method applies to the following commodity: Malted milk powder of all types.

(b) *Pricing method.* To figure the maximum price to any class of purchasers for the food commodity in the new container type or size, the packer shall:

(1) *Determine the base container.* The packer shall first determine the most similar container type in which he has already established a maximum price for the commodity to that class of purchasers. From that container type he shall choose the nearest size which is 50% or less larger or, if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the basic price.* The packer shall take as the "base price" the maximum price which he may charge that class of purchasers for the commodity in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's factory, the packer shall first convert it to a base price f. o. b. packer's factory simply by deducting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price f. o. b. factory, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure gotten by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add the new container cost to get the price f. o. b. factory.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the packer's maximum price to that class of purchasers, f. o. b. factory.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the commodity in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. However, if for any reason the commodity in the new container will move under a different freight tariff classification, he shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during September 28 to October 2, 1942. Increases in tariff rates or transportation taxes made since October 2, 1942 shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the packer's maximum delivered price to that class of purchasers.

(c) *Units of sale and fractions of a cent.* The packer shall figure each maximum price, and the costs that enter into it, in terms of the same general units (like pounds, dozens, etc.) in which he has customarily quoted prices for the commodity in the base container. If any maximum price includes a fraction of a cent, the packer shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the commodity in the base container.

(d) *Examples showing how the pricing method is to be applied.*

CASE 1. *The maximum price f. o. b. factory if the base container is the same in size as the new container but different in type.* Assume the base container is a 16 oz. glass.

Maximum price per dozen f. o. b. factory in base container ("base price")		$0.55
Subtract "direct cost" of base container	−.20	
		.35
Add "direct cost" of new container	+.34	
New maximum price (f. o. b. factory)		.69 doz

CASE 2. *The maximum price f. o. b. factory if the base container is different in size from the new container and either the same or different in type.* Assume the base container is a 10½ oz. tin and the new container is an 8 oz. tin or glass.

Maximum price per dozen f. o. b. factory in base container ("base price")		$1.20
Subtract "direct cost" of base container		−$.15
Adjust to new container:		
Divide by number of ounces of commodity in base container	$1.05 ÷10½	
		.10
Multiply by number of ounces of commodity in new container	×8	.80
Add "direct cost" of new container (glass)		.26
New maximum price (f. o. b. factory)		1.06 doz.

CASE 3. *Maximum delivered price if the base container is the same in size as the new container but different in type.* Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass.

Maximum delivered price per dozen in base container (figured c. l.)		$0.60
Subtract transportation charges	−.05	
Price f. o. b. factory ("base price")		.55
Subtract "direct cost" of container	−.20	
		.35
Add "direct cost" of new container		.34
Add new transportation charges: $.05 (old transpt. chgs.) × 40 lb. (new shpg. wt./case) = ---- / 34 lb. (old shpg. wt./case)		.058
New maximum delivered price		.75 doz.

CASE 4. *Same, except that the new container type puts the commodity in a different freight tariff classification.* Assume the base container is a 16 oz. tin and the new container is a 16 oz. glass.

Maximum delivered price per dozen in base container (figured l. c. l)		$.60
Subtract transportation charges		.05
Price f. o. b. factory ("base price")		.55
Subtract "direct cost" of container	−.20	
Add "direct cost" of new container	−.34	
Add new transportation charges: 40 lb. (new shpg. wt.) / 100 × .185¢ (rate per cwt. under new classif.) =		.074
New maximum delivered price		.76 doz.

(e) *Records.* Packers shall keep records showing how they figured each maximum price under this subparagraph, and shall within 30 days after computing their maximum prices for any commodity in a new container pursuant to the terms of this section, file a report with the Manufactured Dairy Products Section of the Office of Price Administration, Washington, D. C., which shall include the following information:

(1) The kind, brand and grade of the item for which a maximum price is determined;

(2) The size of the newly-priced container, the net contents thereof by weight or volume, and the number of containers in the case;

(3) The size of the container used as a "base container", the net contents thereof by weight or volume, and the number of containers in the case;

(4) The maximum price or prices determined for each class of purchasers to whom he sells;

(5) All basic figures involved in the actual calculation of such maximum price pursuant to this section.

(f) *Notification of the new maximum price.* Any person who determines the maximum price for any commodity in accordance with the provisions of this section shall accompany the first delivery of such commodity to the purchaser with a statement in writing in which he shall state:

(1) The maximum price of the commodity in the new container, and that the price charged is at or below the maximum price;

(2) That the maximum price to such purchaser is determined in accordance with the provisions of this section.

The amendment shall become effective this 18th day of June 1943.

(Pub. Laws 421 and 729; 77th Cong. E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9544; Filed, June 12, 1943; 2:33 p. m.]

PART 1367—FERTILIZERS

[MPR 404]

POTASH

In the judgment of the Price Administrator, it is necessary and proper to establish the maximum prices of potash, when marketed or sold to fertilizer manufacturers as an aid to the growth of crops or plants.

So far as practicable, the Price Administrator has ascertained and given due consideration to the prices of potash prevailing between October 1 and 15, 1941, and has made adjustments for such relevant facts as he has determined and deemed to be of general applicability; and he has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1367.152 *Maximum prices for potash when sold to fertilizer manufacturers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation No. 404 *Potash*, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1367.152 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9238, 8 F.R. 4681.

*Copies may be obtained from the Office of Price Administration.

MAXIMUM PRICE REGULATION 404—POTASH

ARTICLE I—PROHIBITION AND SCOPE OF REGULATION

Sec.

1. Prohibition against dealing in potash at prices above the maximum.
2. Less than maximum prices.
3. Scope of this regulation and its relation to other regulations.

ARTICLE II—MAXIMUM PRICES

4. Spot sales.
5. Contract sales.
6. Sales in bags.
7. Sales of imported potash.
8. Sales of potash by one fertilizer manufacturer to another.
9. Transportation tax and other charges.
10. Imports.
11. Definitions.

Article I—Prohibition and Scope of Regulation

SECTION 1 *Prohibition against dealing in potash at prices above the maximum.* On and after June 18, 1943, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver to a fertilizer manufacturer, and no fertilizer manufacturer shall buy or receive from any person, potash at prices higher than the maximum prices established herein, and no person shall agree, offer, solicit or attempt, to make such a sale, purchase or delivery.

SEC. 2 *Less than maximum prices.* Prices lower than the maximum prices established in and pursuant to this regulation may be charged and paid.

SEC. 3 *Scope of this regulation and its relation to other regulations*—(a) *Transactions and materials.* This regulation applies only to sales to fertilizer manufacturers of the potash known as muriate of potash, sulphate of potash, sulphate of potash magnesia, and manure salts.

(b) *Persons affected.* This regulation applies to all sellers of potash to fertilizer manufacturers and to fertilizer manufacturers who purchase potash.

(c) *Geographical application.* This regulation applies to sales in the forty-eight States of the United States, the District of Columbia, and the various territories and possessions of the United States.

(d) *Relation to Revised Maximum Price Regulation 135.*[1] Sales of potash by fertilizer manufacturers to dealers and consumers, and by their agents and dealers to consumers, are covered by Revised Maximum Price Regulation 135, and to such sales this regulation does not apply; nor does this regulation supersede Revised Maximum Price Regulation 135.

(e) *Relation to General Maximum Price Regulation.*[2] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation. The following sections of the General Maximum Price Regulation and amendments to them, shall apply to sellers of potash:

(1) Transfers of business or stock in trade (§ 1499.5)
(2) Sales for export (§ 1499.6)
(3) Federal and state taxes (§ 1499.7)
(4) Current records (§ 1499.12)
(5) Registration (§ 1499.15)
(6) Licensing (§ 1499.16)
(7) Penalties (§ 1499.17)
(8) Adjustment of maximum price (§ 1499.18)

(f) *Relation to Revised Procedural Regulation 1.* An application for an adjustment, a petition for an amendment, or a protest shall be filed with the Office of Price Administration in the manner provided under Revised Procedural Regulation No. 1.[3]

(g) *Adjustable prices.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of the delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given to the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

Article II—Maximum Prices

SEC. 4 *Spot sales.* The maximum prices at which spot sales of domestic potash in bulk may be made are:

(a) *For 60 per cent muriate of potash.* The buyer shall have the choice to buy 60 per cent muriate of potash at:

(1) $.535 per unit of K_2O, basis ex-vessel the potash port nearest freightwise to the buyer's destination, plus the customary delivery charges from the end of ship's tackle to the buyer's destination; or

(2) $.455 per unit of K_2O f. o. b. cars at Trona, California; or

(3) $.423 per unit of K_2O f. o. b. cars at seller's plant near Carlsbad, New Mexico.

(b) *For 50 per cent muriate of potash.* The buyer shall have the choice to buy 50 per cent muriate of potash at:

(1) $.56 per unit of K_2O, basis ex-vessel the potash port nearest freightwise to the buyer's destination, plus the customary delivery charges from the end of ship's tackle to the buyer's destination; or

(2) $.48 per unit of K_2O f. o. b. cars at Trona, California; or

(3) $.448 per unit of K_2O f. o. b. cars at seller's plant near Carlsbad, New Mexico.

[1] 7 F.R. 3187, 5027, 5665, 7599, 10229, 11075, 8 F.R. 1459, 3621.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962.

[3] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

(c) *For manure salts.* $.20 per unit of K_2O f. o. b. cars at seller's plant near Carlsbad, New Mexico.

(d) *For sulphate of potash, basis 90 per cent.* K_2SO_4, $36.25 per ton basis ex-vessel the potash port nearest freightwise to the buyer's destination, plus the customary delivery charges from the end of ship's tackle to the buyer's destination.

(e) *For sulphate of potash magnesia, basis 40 per cent K_2SO_4 and 18.5 per cent MgO.* $26.00 per ton basis ex-vessel the potash port nearest freightwise to the buyer's destination, plus the customary delivery charges from the end of ship's tackle to the buyer's destination.

SEC. 5 *Contract sales.* The maximum prices at which contract sales of domestic potash in bulk may be made are:

(a) *Contracts executed prior to July 1.* Where a buyer contracts with a producer prior to the first day of July for the purchase of potash for delivery in approximately equal monthly quantities, prior to the 31st day of March next succeeding, the buyer, and any person to whom War Production Board allocates the whole or any part of the potash subject of such contract, may buy:

(1) On ex-vessel sales at the spot sales prices as above set forth, at a discount of 8 per cent where delivery is contracted for in approximately equal monthly quantities between June 1 and the 31st day of March next succeeding, and in addition, at a 4 per cent discount when the full delivery contracted for, or delivery to the extent permitted under War Production Board allocation, has been accepted;

(2) On f. o. b. cars sales, except for sulphate of potash and sulphate of potash magnesia, at the spot sales prices and at the discounts and under the conditions above set forth, and, except for manure salts, at a further deduction of 8 cents per unit of K_2O, in the case of sales f. o. b. cars at Trona, California, and a deduction of 11.2 cents per unit of K_2O, in the case of sales f. o. b. cars at seller's plant near Carlsbad, New Mexico.

(b) *Contracts executed from July 1 to October 1.* Where a buyer contracts with a producer, on and after the first day of July and prior to October 1 of the same year, for the purchase of potash for delivery in approximately equal monthly quantities during the period from October 1 to the 31st day of March next succeeding, the buyer, and any person to whom War Production Board allocates the whole or any part of the potash subject to such contract, may buy:

(1) On ex-vessel sales at the spot sales prices as above set forth at a discount of 4 per cent where delivery is contracted for in approximately equal monthly quantities between October 1 and the 31st day of March next succeeding, and in addition, at a 2 per cent discount when the full delivery contracted for, or delivery to the extent permitted under War Production Board allocation, has been accepted;

(2) On f. o. b. car sales, except for sulphate of potash and sulphate of potash magnesia, at the spot sales prices and at the discounts and under the conditions above set forth, and, except for manure salts, at a further deduction of 8 cents per unit of K_2O in the case of sales f. o. b. cars at Trona, California and a deduction of 11.2 cents per unit of K_2O in the case of sales f. o. b. cars at seller's plant near Carlsbad, New Mexico.

SEC. 6 *Sales in bags.* The maximum prices herein provided for potash when sold in bags may be increased by the reasonable market value of the bags not exceeding their established maximum prices, plus $1.00 per ton of potash.

SEC. 7 *Sales of imported potash.* The maximum prices at which potash originating outside of and imported into continental United States, may be sold and delivered to a fertilizer manufacturer, within the United States and any of its territories and possessions, are:

(a) *April and May deliveries.* For deliveries actually made to fertilizer manufacturers during the months of April and May, the maximum spot prices set forth in section 4 above;

(b) *June through March deliveries.* For deliveries actually made to fertilizer manufacturers during the months beginning June 1 and ending March 31 next succeeding, the maximum spot prices set forth in section 4 above with the discounts and under the conditions set forth in section 5 (a) (1) and (2) above, irrespective of the execution of a contract prior or subsequent to July 1 of any year.

SEC. 8 *Sales of potash by one fertilizer manufacturer to another.* The maximum prices at which a fertilizer manufacturer may sell his potash to another fertilizer manufacturer shall be no more than the applicable maximum spot price hereinbefore established, plus an amount equal to the actual transportation costs, if any, incurred and paid by the fertilizer manufacturer making the sale.

SEC. 9 *Transportation tax and other charges.* (a) Upon sales made f. o. b. cars at a producer's plant (irrespective of the plant from which shipment is made), the transportation tax imposed under section 620 of the Revenue Act of 1942 and all other transportation charges shall be paid by the buyer;

(b) On sales basis ex-vessel the port nearest freightwise to the buyer, the transportation tax imposed by section 620 of the Revenue Act of 1942, and other necessary transportation charges, except customary wharfage, handling and transportation charges to the buyer's destination, shall be the obligation of and be paid by the seller.

(c) On sales of 60 per cent muriate of potash, transportation costs payable by the buyer shall be equalized or adjusted so that his actual transportation cost per unit of K_2O will be no greater than such cost would have been had the muriate of potash contained 62.5 per cent K_2O.

SEC. 10 *Imports.* The provisions of this regulation do not apply to the purchases, sales or deliveries, except to fertilizer manufacturers, of potash, if it originates outside of and is imported into the continental United States. Sales, purchases and deliveries, except to fertilizer manufacturers, of such imported potash, are governed by the provisions of the General Maximum Price Regulation, and especially Revised Supplementary Regulation No. 12.[4] Sales of such imported potash to fertilizer manufacturers are governed by this Maximum Price Regulation No. 404.

SEC. 11 *Definitions.* (a) When used in this Maximum Price Regulation No. 404, the terms:

(1) "Person" means an individual, corporation, partnership, association, or other organized group of persons, or the legal successor or representative of any of the foregoing, and includes the United States Government or any department, bureau, corporation or agency thereof.

(2) "Producer" means a person who produces potash and sells it, as an aid to the growth of crops or plants, to a fertilizer manufacturer or any department or agency of the United States Government.

(3) "Fertilizer manufacturer" means a person who produces, mixes or processes any substance containing any two or more of potash, superphosphate and nitrogenous materials when marketed or sold as an aid to the growth of crops or plants.

(4) "Spot sales" means any sale of potash made by a producer at prices not subject to discounts.

(5) "Potash" means certain chemical compounds known as muriate of potash, sulphate of potash, sulphate of potash magnesia, and manure salts.

(6) "Potash port" means any of the following:

Searsport, Maine
Boston, Massachusetts
New York, N. Y.
Philadelphia, Pennsylvania
Camden, New Jersey
Wilmington, Delaware
Baltimore, Maryland
Norfolk, Virginia
Wilmington, North Carolina
Charleston, South Carolina
Savannah, Georgia
Jacksonville, Florida
Tampa, Florida
Panama City, Florida
Pensacola, Florida
Mobile, Alabama
Gulfport, Mississippi
New Orleans, Louisiana
Lake Charles, Louisiana
Houston, Texas
San Diego, California
Los Angeles, California
Oakland, California
San Francisco, California
Portland, Oregon
Tacoma, Washington
Bellingham, Washington

(7) "Port nearest freightwise to buyer's destination" means the potash port from which the lowest freight rate from such port to the buyer's destination applies.

(b) Unless the context otherwise requires, the definitions set forth in § 1499.-20 of the General Maximum Price Regulation and the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended, shall apply to the terms used herein.

This Maximum Price Regulation No. 404 shall become effective June 18, 1943.

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9538; Filed, June 12, 1943; 2:31 p. m.]

[4] 7 F.R. 10532; 8 F.R. 6111, 2035.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 9 to Rev. Supp. 1]

PROCESSED FOODS

Revised Supplement 1 to Ration Order 13 is amended in the following respects:

1. Section 1407.1102 (c) (4) is added to read as follows:

(4) For the reporting period beginning July 4, 1943 and ending July 31, 1943–5

2. Section 1407.1102 (c) (5) is added to read as follows:

(5) For the reporting period beginning August 1, 1943 and ending September 4, 1943–5.5

3. Section 1407.1102 (c) (6) is added to read as follows:

(6) For the reporting period beginning September 5, 1943 and ending October 2, 1943–6

This amendment shall become effective June 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9540; Filed, June 12, 1943; 2:32 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1–2, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN THE BOSTON, MASS. DISTRICT

For reasons set forth in a Statement of Considerations issued simultaneously herewith, Restaurant Maximum Price Regulation No. 1–2 is hereby amended in the following respects:

1. Section 7 is amended to read as follows:

SEC. 7 *Rules for new proprietors.* (a) If the seller acquires another's business and continues the business in the same place, he is subject to the same ceiling prices and duties as the previous proprietor.

(b) If he opens an eating or drinking place after the seven-day period, he must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as his which was open after April 3, 1943 and before April 11, 1943. This provision is applicable both to a new proprietor and to a proprietor who is re-opening an eating or drinking place previously owned or operated by him. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food or drink, the Office of Price Administration may issue an Order requiring him to reduce his ceiling prices. He is subject to the record requirements of section 9 and the posting requirements of section 10 immediately upon the opening of his place.

2. Section 10 is amended to read as follows:

SEC. 10 *Posting.* (a) Beginning May 7, 1943, each menu, other than the menu of a seller opening an eating or drinking place after April 10, 1943, must have clearly written on or attached to it, the following statement:

All prices listed are our ceiling prices unless otherwise indicated, in which case they are below ceiling prices. By OPA regulation, our ceilings are our highest prices from April 4 to April 10, 1943. Records of these prices are available for your inspection.

If the seller does not use menus, he must post the statement by a sign which can be easily read by his customers and which must be located near the cashier's desk, if any, or the principal entrance.

(b) Within a period of seven days after the opening of an eating or drinking place, not open after April 3, 1943 and before April 11, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices listed are our ceiling prices unless otherwise indicated, in which case they are below ceiling prices. By OPA regulation, our ceiling prices are in line with the ceiling prices of the nearest establishment of the same type open after April 3, 1943 and before April 11, 1943. Records of these prices are available for your inspection.

If the seller does not use menus, he must post the statement by a sign which can be easily read by his customers and which must be located near the cashier's desk, if any, or by the principal entrance.

(c) Whenever an item or meal appears on a menu or price list at a price below the ceiling price, the fact that the price on the menu or price list is below the ceiling price must be indicated in such manner that his customers will be directed to the records which were used in establishing the ceiling price.

(d) If he made menus available to customers in the seven-day period, he shall continue to make them available.

3. A new section is added following section 16 to read as follows:

SEC. 17 *Exemptions.* Railroad dining cars, club cars, and cafe cars shall be exempt from this regulation.

This amendment shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of May 1943.

L. J. BRESNAHAN,
District Director.

[F. R. Doc. 43-9545; Filed, June 12, 1943; 2:33 p. m.]

[1] 8 F.R. 2677, 3179, 3947, 4892, 5318, 5341, 5757, 6138, 6964.

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMPR,[1] Amdt. 183]

SALES OF PAN BREAD IN SPECIFIED AREAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended in the following respect:

In § 1499.73 (a) (99) (ii), the term "chain store private label" is amended to read as follows:

"Chain store private label" refers to pan bread sold under a distinctive name or label solely in one or more retail grocery or general merchandise stores, comprising the whole or part of a chain of four or more such stores, and operating as cooperatives, or under a common trade name or common ownership. Each of said four stores must customarily do more than 60% of their business in merchandise other than bakery products.

This amendment shall become effective June 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F. R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9533; Filed, June 12, 1943; 2:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 22 Under § 1499.3 (c) of GMPR]

PLASTIC PRODUCTS ENGINEERING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.822 *Maximum prices for sales of Tenite Plastic Blackout Channels distributed by Plastic Products Engineering Company.* (a) This order sets maximum prices for sales of Tenite Plastic Blackout Channels distributed by Plastic Products Engineering Company, 500 Fifth Avenue, New York, New York.

(1) For sales by Plastic Products Engineering Company to jobbers, the maximum prices, f. o. b. seller's warehouse, are as follows:

	Per lineal foot
Quantities less than 100,000 feet	$0.07
Quantities of 100,000 feet and over	.063

(2) For sales to retailers by Plastic Products Engineering Company and by jobbers, the maximum price is $.08 per lineal foot, f. o. b. the seller's city.

(b) Each person selling Tenite Plastic Blackout Channels to a purchaser for re-

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962.

sale shall notify such purchaser of the maximum price set by this order for resales by him. The notice shall be given at or prior to the first invoice to each purchaser after June 14, 1943. It may be given in any convenient form; for example, it may be stamped upon or attached to the invoice, or it may be packed with the merchandise.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

This order shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc 43-9541; Filed, June 12, 1943; 2:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 529 Under § 1499.3 (b) of GMPR, Correction]

MITCHELL SHOE CO., INC.

The references to Kesslen Shoe Company in § 1499.1967 and in the opinion accompanying Order No. 529 under § 1499.3 (b) of the General Maximum Price Regulation are corrected to read Mitchell Shoe Company, Inc.

This correction shall be effective as of May 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9543; Filed, June 12, 1943; 2:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 553 under § 1499.3 (b) of GMPR]

ROCKWOOD & COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1991 *Authorization of maximum prices for sales of "Vanilla Chocolate Cups" a confectionery item manufactured by Rockwood & Company, Brooklyn, New York.* (a) That on and after the 14th day of June 1943, Rockwood & Company, Brooklyn, New York, may sell its "Vanilla Chocolate Cups" at the maximum delivered price of 18 cents per pound.

(b) That wholesalers of Rockwood & Company's "Vanilla Chocolate Cups" shall establish a maximum delivered price not in excess of .22½ cents per pound.

(c) That retailers of Rockwood & Company's "Vanilla Chocolate Cups" shall establish a maximum price not in excess of 37½ cents per pound.

(d) That the prices established in this order are the highest prices for which Rockwood & Company's "Vanilla Chocolate Cups" may be sold by the respective sellers and all sellers of this item shall maintain their customary discounts, allowances and price differentials applying to sales of comparable candy items. In the application of any existing differentials, the maximum prices established by this order shall not be exceeded.

(e) That Rockwood & Compay shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchasers, a written notice as follows:

The Office of Price Administration has authorized us to sell our "Vanilla Chocolate Cups" at a price not in excess of 18 cents per pound delivered. Wholesalers are authorized to sell this product at a price not in excess of 22½ cents per pound delivered. Retailers are authorized to sell this product at a price not in excess of 37½ cents per pound. All sellers are required to maintain their customary discounts, allowances and price differentials applying to like sales of comparable candy items. In the application of any existing differentials, the maximum prices as stated herein shall not be exceeded.

(f) That Rockwood & Company for a period of at least ninety days, shall place in or on each retail packing unit a notice as contained in paragraph (e) above.

(g) This order may be revoked or amended at any time by the Office of Price Administration.

(h) This Order No. 553 shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9542; Filed, June 12, 1943; 2:32 p. m.]

PART 1316—COTTON TEXTILES

[RPS 89,[1] Amdt. 10]

BED LINENS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 89 is amended in the following respects:

1. Section 1316.101 (b) (5) is added to read as follows:

(5) To sales and deliveries of print cloth crib sheets.

2. Sections 1316.111 (d) (7) (i) and (ii) are amended to read as follows:

(i) The maximum price for print cloth pillow cases shall be the sum of the maximum price of the print cloth from which such print cloth pillow cases are fabricated, determined pursuant to Revised Price Schedule No. 35 as of the date of the sale or the contract of sale of such print cloth pillow cases, plus the applicable margin set forth in Table IV in this subparagraph.

(ii) *Table IV: Margins for determining maximum prices of print cloth pillow cases.*

Size:[1]	Dollars per dozen
42 x 36"----------	$0.57
45 x 36"----------	.59

[1] The margin for print cloth pillow cases differing in any dimension from those listed herein shall be the margin provided herein for print cloth pillow cases of the nearest inferior area: *Provided,* That the margin for print cloth pillow cases having an area less than 42 x 36" shall be 57 cents per dozen reduced by 5 per cent for each 5 per cent or fraction thereof by which the area of such print cloth pillow cases is less than 42 x 36".

This amendment shall become effective June 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9546; Filed, June 12, 1943; 4:23 p. m.]

PART 1412—SOLVENTS

[MPR 170, Incl. Amdt. 5]

ANTI-FREEZE

Paragraph (e) of § 1412.13 is amended by Amendment 5, effective May 22, 1943, so that Maximum Price Regulation No. 170 (7 F.R. 4763) shall read as follows:

In the judgment of the Price Administrator, seasonal and other factors affecting the sale of anti-freeze by manufacturers and distributors thereof have resulted in the establishment, under the General Maximum Price Regulation,[1] of maximum prices for such sales which are not generally representative and which are not best calculated to assist in securing adequate distribution of such anti-freeze.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations[2] involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[3] issued by the Office of Price Administration, Maximum Price Regulation No. 170 is hereby issued.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1375, 1836, 2000, 2107, 2132, 2300, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 7599, 8937, 8948.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments.

[3] Revised: 7 F.R. 8961; 8 F.R. 3313, 3533.

Sec.

AUTHORITY: §§ 1412.1 to 1412.15, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1412.1 *Maximum prices for anti-freeze.* (a) On and after June 30, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver anti-freeze and no person shall buy or receive anti-freeze in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1412.13; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of anti-freeze to a purchaser if prior to June 30, 1942, such anti-freeze had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Nothing in this Maximum Price Regulation No. 170, or in the General Maximum Price Regulation, shall apply to sales or deliveries of anti-freeze other than those sales or deliveries for which maximum prices are established in Appendix A hereof (§ 1412.13), except as provided in § 1412.9.

(c) Nothing in this Maximum Price Regulation No. 170 shall apply to sales or deliveries of wood alcohol for which maximum prices are established by Revised Price Schedule No. 34[4] or to sales or deliveries of ethyl alcohol for which maximum prices are established by Maximum Price Regulation No. 28[5] or 295[6] or to sales or deliveries of naphthas, solvents, mineral spirits and other petroleum fractions sold as anti-freeze preparations for which maximum prices are established by Maximum Price Regulation 88[7]—Petroleum and Petroleum Products or Maximum Price Regulation No. 137[8]—Petroleum Products Sold at Retail.

[Paragraph (c) as amended by Amendment 4, 8 F.R. 6951, effective 5–22–43]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency or government whose defense is vital to the defense of the United States.]

[NOTE: Supplementary Order No. 34 (7 F.R. 10779) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

§ 1412.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A hereof (§ 1412.13) may be charged, demanded, paid or offered.

§ 1412.3 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 170 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to anti-freeze alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

§ 1412.4 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or an application for adjustment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

[§ 1412.4 as amended by Amendment 4, effective 5–22–43]

§ 1412.5 *Records and reports.* (a) On and after June 30, 1942, every person making purchases or sales of anti-freeze in the course of trade or business shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every such purchase or sale except sales at retail, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, and the quantity of such anti-freeze purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may, from time to time, require.

(c) Any seller who has customarily given a purchaser a sales slip, receipt or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, a description of the anti-freeze sold, and the price received for it.

(d) Every person selling Type P anti-freeze shall preserve all of his existing records relating to the price which he charged for Type P anti-freeze during that month of the six month period ending March 31, 1942, in which he delivered the largest amount of such anti-freeze.

§ 1412.6 *Marking and posting*—(a) *By persons packaging anti-freeze.* (1) Except as provided in subparagraph (3) of this paragraph, on and after June 30, 1942, every person who packages Type N, S, P or C anti-freeze in containers shall clearly and conspicuously mark on the outside of such containers or on labels securely affixed thereto the following information:

[Paragraph (1) as amended by Amendment 4, effective 5–22–43]

(i) The type of anti-freeze contained therein, that is, "Type N", "Type S", "Type P", or "Type C", as the case may be, and in the case of Type C anti-freeze, the following additional statement: "This anti-freeze contains as its principal ingredient (Insert here the common name of the inorganic salt used in preparing the solution)."

[Paragraph (i) amended by Amdt. 4, May 22, 1943]

(ii) The strength of the anti-freeze contained therein. Such strength may be designated by the terms "standard", "standard strength", or "full strength" for standard anti-freeze, or by the terms "sub-standard" or "sub-standard strength" for sub-standard anti-freeze.

(iii) The applicable maximum retail price as established by Appendix A (§ 1412.13) for the anti-freeze contained therein. Such price shall be designated as follows: "OPA Retail Ceiling Price $_____." The blank in the quoted phrase shall be filled in with the applicable maximum retail price as established by Appendix A (§ 1412.13) by the packager in the case of Type S, Type N and Type C anti-freeze and by the retailer in the case of Type P anti-freeze, but in the latter case the packager shall supply the retailer with instructions as to the manner of determining the maximum retail price under the provisions of Appendix A (§ 1412.13).

(2) The type (N, S, P, or C) and the applicable maximum retail price established by Appendix A (§ 1412.13) shall be printed in letters at least two inches high on containers of more than five gallons, and in letters at least as large as any other printed matter thereon other than the trade mark or trade name on containers of five gallons or less.

(3) The marking specified in subdivision (iii) of subparagraph (1) of this paragraph may be omitted where anti-freeze is sold directly to the United States, or any agency thereof, or to a commercial or industrial user.

[Paragraph (a) as amended by Amendment 1, 7 F.R. 5717, effective 7–28–42, and Amendment 2, 8 F.R. 1232, effective 2–1–43]

(b) *By retailers.* (1) Every person selling Type N, S, P or C anti-freeze at retail shall post the maximum price of

[4] 7 F.R. 1269, 2000, 2132, 8201, 8948.
[5] 7 F.R. 2000, 2132, 3775, 7401, 7402, 8948; 8 F.R. 2339, 4256, 4852.
[6] 7 F.R. 11115; 8 F.R. 129, 2599, 4930.
[7] 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4918, 4840, 5386, 6044, 6120.
[8] 8 F.R. 4092, 4511, 4335, 5588, 6120.

each type (N, S, P or C), strength (standard or substandard), and brand of anti-freeze sold by him, in a manner plainly visible to and understandable by the purchasing public. The maximum price may be posted on the shelf, bin, or rack upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale, and shall be marked "Ceiling Price $____."

[Paragraph (1) as amended by Amendment 2, 8 F.R. 1232, effective 2-1-43, and Amendment 4, effective 5-22-43]

(2) Every person selling Type N, S, P or C anti-freeze at retail from containers of more than 5 gallons which do not have properly marked thereon the information required by paragraph (a) of this section shall mark such information on such containers in the form and manner prescribed in said paragraph.

[Paragraph (2) as amended by Amendment 4, effective 5-22-43]

§ 1412.7 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 170 are subject to criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 170 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, Field, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1412.8 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 170 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1412.8 as amended by Supplementary Order No. 26, 8 F.R. 8948, effective 11-4-42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444, 9323; 8 F.R. 4510, 4785), makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of Maximum Price Regulation No. 136, as amended and the regulations on scrap, waste, and salvage materials.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1412.9 *Licensing: applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 170 selling at wholesale or retail any anti-freeze covered by this Maximum Price Regulation No. 170. When used in this § 1412.9, the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

§ 1412.10 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of anti-freeze imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such anti-freeze and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during any part of the six-month period ending March 31, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during any part of the six-month period ending March 31, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 170.

(2) In all other cases, if, at any time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 170.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1412.11 *Applicability of General Maximum Price Regulation.* Except as provided in § 1412.9 hereof, the provisions of this Maximum Price Regulation No. 170 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1412.12 *Definitions.* (a) When used in this Maximum Price Regulation No. 170, the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Anti-freeze" means any product sold for use, without further processing, as a depressant of the freezing point of coolant water in internal combustion engines.

[Paragraph (2) as amended by Amendment 4, effective 5-22-43]

(3) "Alcohol" means a monohydric or polyhydric aliphatic alcohol from the group consisting of methyl alcohol, ethyl alcohol, isopropyl alcohol, and ethylene glycol.

(4) "Standard anti-freeze" means any anti-freeze which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower.

(5) "Sub-standard anti-freeze" means anti-freeze which must be added to water in the proportion of more than ¾ of a gallon of such anti-freeze to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(6) "Type P" anti-freeze means an anti-freeze which contains at least 60% ethylene glycol by weight and at least 85% of glycol compounds by weight.

[Paragraph (6) as amended by Amendment 1, 7 F.R. 5717, effective 7-28-42]

(7) "Type N" anti-freeze means anti-freeze which has as its principal component fermentation ethyl alcohol or anti-freeze which has as its principal component wood distilled methyl alcohol and contains at least 95% wood distilled methyl alcohol by volume.

(8) "Type S" anti-freeze means anti-freeze which has as its principal component synthetic ethanol, synthetic methanol, synthetic methanol-isopropyl alcohol mixtures or mixtures of fermentation ethyl alcohol or wood distilled methyl alcohol with any of the foregoing.

[Paragraphs (7), (8) as amended by Amendment 4, effective 5-22-43]

(9) "Manufacturer" means any person who produces anti-freeze.

(10) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer.

(11) "Retailer" means a seller making sales at retail.

(12) "Purchaser of the same class" means a purchaser of the same kind (for example, distributor, jobber, fleet owner, individual consumer) buying under the same or similar conditions of sale.

(13) "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, distributing, jobbing, retailing) (ii) of similar type (for example, gasoline stations, mail order houses, general stores, cut-rate stores) (iii) dealing in the same type of commodities, and (iv) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (*a*) is selling anti-freeze of the same type, and (*b*) is closely competitive in the sale of such anti-freeze, and (*c*) is located nearest to the seller.

(14) "Manufacturer's shipping point" means the point at which anti-freeze is delivered by the manufacturer to a carrier for shipment to a purchaser.

(15) "Glycol compounds" means ethylene glycol, ethylene glycol homologs, polyethylene glycols or mixtures of any of the foregoing.

[Paragraph (15) added by Amendment 1, 7 F.R. 5717, effective 7-28-42]

(16) "Percent by volume." The percent by volume of methyl alcohol contained in a mixture of methyl alcohol and water means the number of gallons of methyl alcohol which when added to the appropriate amount of water gives a total volume of 100 gallons of mixture.

[Paragraph (16) added by Amendment 1 and amended by Amendment 4, effective 5-22-43]

(17) "Type C" anti-freeze means an anti-freeze which has as its principal component an inorganic salt such as calcium, magnesium, or sodium chloride.

[Paragraph (17) added by Amendment 2, 8 F.R. 1232, effective 2-1-43]

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 170.

§ 1412.13 *Appendix A: Maximum prices for anti-freeze*—(a) *Standard anti-freeze, Type N and Type S.* Maximum prices for standard Type N and Type S anti-freeze are established as follows:

(1) *Sales by manufacturers to persons other than retailers.*

[Per gallon delivered]

	Type N	Type S
(i) Tank cars	$0.58	$0.30
(ii) Tank truck deliveries:		
500 gallons or over	.60	.32
Less than 500 gallons	.62	.34
(iii) Carload lots (containers included):		
(*a*) containers over 35 gallons	.70	.42
(*b*) containers over 5 gallons and including 35 gallons	.72	.44
(*c*) containers of 1 to 5 gallons, inclusive	.76	.47
(*d*) containers less than 1 gallon	.80	.51

(iv) Less than carload lots. The maximum prices established above for deliveries in carload lots plus three cents per gallon, f. o. b. manufacturer's shipping point.

(2) *Sales to retailers by any person.*

[Per gallon delivered]

	Type N	Type S
(i) Containers over 35 gallons	$0.87	$0.55
(ii) Containers over 5 gallons and including 35 gallons	.90	.57
(iii) Containers of 1 to 5 gallons, inclusive	.94	.61
(iv) Containers less than 1 gallon	.99	.66

In the case of sales to retailers by sellers other than manufacturers, transportation costs in excess of five cents per gallon may be charged to buyer's account. Any such charges shall be separately stated on an invoice, which shall be furnished the buyer by the seller.

(3) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

	Type N	Type S
	Per gal.	*Per gal.*
(i) In quantities of 1 gallon or more	$1.40	$1.00
	Per qt.	*Per qt.*
(ii) In quantities of less than 1 gallon	.35	.25

[Paragraph (a) as amended by Amendment 4, effective 5-22-43]

(b) *Sub-standard anti-freeze, Type N and Type S.* For sales covered by subparagraphs (1), (2), and (3) of paragraph (a) of this section, the maximum price for any quantity of substandard anti-freeze of Type N or Type S, in any kind of container, shall be the maximum price, as determined under whichever one of said subparagraphs (1), (2), or (3) is applicable, for that quantity of standard anti-freeze of the same type, in the same kind of container, which would produce an anti-freeze effect equal to that produced by the quantity of substandard anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: Subtract 25% from the maximum price for a quantity of standard anti-freeze of the same type (in like containers) equal to the quantity of substandard anti-freeze being priced, and divide the result by the number of gallons of such substandard anti-freeze which must be added to 1 gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(c) *Standard anti-freeze, Type P.* (1) The maximum price which any seller may charge for standard Type P anti-freeze shall be the highest price which such seller charged on a delivery of standard Type P anti-freeze in like containers in similar amounts to a purchaser of the same class during that month of the six month period ending March 31, 1942, in which such seller delivered the largest amount of Type P anti-freeze. This maximum price in the case of sales at retail shall not exceed $2.65 per gallon on sales in quantities of 1 gallon or more or $.70 per quart on sales in quantities of less than one gallon. Such maximum prices include installation in automobile cooling systems where the buyer so requests, and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

[Paragraph (1) as amended by Amendment 1, 7 F.R. 5717, effective 7-28-42, and Amendment 4, effective 5-22-43]

(2) If a seller cannot determine a maximum price for standard Type P anti-freeze under subparagraph (1), he shall take as his maximum price the maximum price to a purchaser of the same class as established under subparagraph (1) for the seller's most closely competitive seller of the same class for whom such a maximum price has been established under subparagraph (1).

(d) *Sub-standard anti-freeze, Type P.* The maximum price for any quantity of sub-standard Type P anti-freeze, in any kind of container and to any class of purchaser, shall be the maximum price for that quantity of standard Type P anti-freeze, in like containers and to the same class of purchaser, which would produce an anti-freeze effect equal to that produced by the quantity of sub-standard Type P anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: subtract 25% from the maximum price (to the same class of purchasers) for a quantity of standard Type P anti-freeze (in like containers) equal to the quantity of sub-standard Type P anti-freeze being priced, and divide the result by the number of gallons of such sub-standard Type P anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(e) The maximum prices established by this regulation shall not be increased by any charges for containers. The seller may, however, require the return of containers, but in such case the maximum prices which may be charged are the maximum prices specifically set forth in this regulation less $.025 per gallon. The same deduction shall be made in those cases where the buyer furnishes drums. Transportation costs with respect to the return or furnishing of containers shall, in all cases, be borne by the seller.

When sales are made upon a container-returnable basis, the seller may require a reasonable deposit for the return of such containers but such deposit must be refunded to the buyer upon the return of the containers in good condition within a reasonable time.

[Paragraph (e) amended by Amendment 4, effective 5-22-43 and Amendment 5]

(f) *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 170 shall not be increased by any charges for the extension of credit.

(g) *Standard strength anti-freeze. Type C.* Maximum prices for standard strength Type C anti-freeze are established as follows:

(1) *Sales to retailers by any person.*

[Per gallon delivered, containers included]

	Calcium chloride, sodium chloride, or mixed salt base	Magnesium chloride base
Over 5 gallons	$0.40	$0.47
1–5 gallons	.46	.53
Less than 1 gallon	.51	.58

(2) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

	Calcium chloride, sodium chloride, or mixed salt base	Magnesium chloride base
	Per gallon	*Per gallon*
In quantities of 1 gallon or more	$0.75	$0.85
	Per quart	*Per quart*
In quantities of less than 1 gallon	.20	.23

[Paragraph (2) as amended by Amendment 4, effective 5–22–43]

Provided, That until and including March 15, 1943, any seller of Type C anti-freeze other than a manufacturer or retailer, who prior to February 1, 1943 had purchased Type C anti-freeze and had it in his possession or in the custody of a carrier or warehouse other than a carrier or warehouse owned or controlled by the person from whom such anti-freeze was acquired, may sell such anti-freeze at a price not to exceed the maximum price established in this section or at his cost of acquisition, whichever is higher, *And provided further,* That until and including March 15, 1943, any retailer may sell Type C anti-freeze at a price not to exceed the maximum price established in this section or at his cost of acquisition plus $.25 per gallon, whichever is higher.

[Paragraph (g) added by Amendment 2, 8 F.R. 1232, effective 2–1–43. Proviso as amended by Amendment 3, 8 F.R. 1813, effective 2–1–43]

(h) *Substandard strength anti-freeze, Type C.* For sales covered by subparagraphs (1) and (2) of paragraph (g) above, the maximum price for any quantity of substandard strength Type C anti-freeze in any kind of container shall be the maximum price, as determined under whichever one of said subparagraphs (1) or (2) is applicable, for that quantity of standard strength Type C anti-freeze, in like containers, which would produce an anti-freeze effect equal to that produced by the quantity of substandard strength Type C anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: subtract 25% from the maximum price for a quantity of standard strength Type C anti-freeze (in like containers) equal to the quantity of substandard strength Type C anti-freeze being priced, and divide the result by the number of gallons of such substandard strength Type C anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to ten degrees below zero Fahrenheit.

[Paragraph (h) added by Amendment 2, 8 F.R. 1232, effective 2–1–43]

(i) *Wood distilled methyl alcohol base anti-freeze containing less than 95% by volume of wood distilled methyl alcohol—* (1) *Maximum prices.* The maximum price for any sale of wood distilled methyl alcohol base anti-freeze containing less than 95% by volume of wood distilled methyl alcohol shall be the maximum price established in paragraph (a) above for like sales of Type N anti-freeze multiplied by the figure obtained by dividing by 95 the number of percent by volume of wood distilled methyl alcohol contained in the anti-freeze.

(2) *Marking and posting.* The marking and posting requirements of § 1412.6 which are applicable to Type N anti-freeze shall apply to wood distilled methyl alcohol base anti-freeze containing less than 95% by volume of wood distilled methyl alcohol, except that, such anti-freeze shall be designated as "Type W (____%)". The blank in the quoted phrase shall be filled in by the number of percent by volume of wood distilled methyl alcohol contained in such anti-freeze.

(j) *Anti-freeze of a type not specifically named.* (1) The maximum prices for an anti-freeze which is of a type not specifically named in this section and which is not a naphtha, solvent, mineral spirit or other petroleum fraction sold as an anti-freeze preparation for which maximum prices are established by Maximum Price Regulation 88—Petroleum and Petroleum Products or Maximum Price Regulation 137—Petroleum Products Sold at Retail, shall be maximum prices specifically authorized by the Office of Price Administration which are in line with the level of maximum prices established by this regulation.

(2) Prior to first offering such an anti-freeze for sale, the manufacturer shall submit by registered mail to the Office of Price Administration in Washington, D. C., an application for specific authorization of maximum prices. Such application shall contain the following information:

(i) Statement as to the geographical area in which and the types of reseller through which it is proposed to distribute the anti-freeze.

(ii) Proposed maximum prices for sales in each size and type of container for sales at retail and for sales to and by each type of reseller who will handle the anti-freeze, with a detailed explanation of how such prices were calculated and a full explanation of the reasons why the manufacturer considers the proposed prices to be in line with the level of maximum prices established by this regulation.

(iii) The quantitative formula of the anti-freeze; ceiling or actual purchase price, whichever is lower of each material in such formula, per unit of material; corresponding material cost for each material per gallon of anti-freeze; name and address of the supplier of each material whose ceiling price or actual selling price was used.

(iv) Detailed breakdown of costs, other than material costs, per gallon of anti-freeze, showing:

(*a*) Package costs for each size and type of container.

(*b*) Direct labor costs for packaging for each size and type of container.

(*c*) Direct labor costs for preparing the anti-freeze.

(*d*) Estimated freight absorption.

(v) Statement as to the number of gallons of the anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit, to zero degrees Fahrenheit, and by one degree Fahrenheit; specific gravity; boiling point and freezing point of the anti-freeze; boiling points and percentage compositions (by weight) of any constant boiling point mixtures which the anti-freeze forms with water; complete protection table, if available; and description and results of any tests that have been made as to the cooling properties, corrosive effects, other properties of the anti-freeze.

(3) Any authorization of maximum prices under this paragraph (j) may contain such requirements as to the marking and posting of retail prices and other information as the Office of Price Administration determines to be proper.

(4) No deliveries of the anti-freeze may be made prior to authorization of maximum prices therefor by the Office of Price Administration.

[Paragraphs (i), (j) as added by Amendment 4, effective 5–22–43]

§ 1412.14 *Effective date.* This Maximum Price Regulation No. 170 (§§ 1412.1 to 1412.14) shall become effective June 30, 1942. [Issued June 25, 1942]

§ 1412.15 *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected.]

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9549; Filed, June 12, 1943; 4:25 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 152,[1] Amdt. 9]

CANNED VEGETABLES

A statement of the considerations involved in the issuance of this Amendment No. 9 to Maximum Price Regulation No. 152 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 152 is amended in the following respect:

1. The following new § 1341.22b is added:

§ 1341.22b *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

This amendment shall become effective June 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9547; Filed, June 12, 1943; 4:24 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271,[2] Amdt. 2]

PERISHABLE FOODS; POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 271 is hereby amended in the following respects:

1. Section 8 (a) (6) is amended to read as follows:

(6) "Retailer" means a person, other than a country shipper, who makes sales to ultimate consumers. (See section 9 (d), infra, for country shipper's maximum prices on sales to ultimate consumers.)

2. Section 8 (a) (18) is added to read as follows:

(18) "Commission merchant" means a person who is the agent in the terminal market or other wholesale receiving point, of a country shipper or other seller, who receives potatoes or onions and who distributes them on behalf of his principal in less-than-carlot or less than trucklot quantities.

3. Section 8 (a) (19) is added to read as follows:

(19) "Carlot" or "trucklot" means a carload or truckload of which 75% or more is composed of either potatoes or onions. The remaining 25% or less of any other commodity or commodities shall be deemed less than carlot quantities.

4. Section 9 (d) is added to read as follows:

(d) Notwithstanding any other provision of this regulation, if a country shipper makes sales and deliveries to ultimate consumers, his maximum price for such sales shall be his maximum price computed under paragraphs (a), (b) (1) and (b) (2) of section 9, plus $1.00 per cwt. in the case of potatoes, or plus $1.00 per 50 pounds in the case of onions.

5. Section 9 (e) is added to read as follows:

(e) If a country shipper makes sales f. o. b. country shipping point to procurement agencies of the United States or any State and bears the in-transit risk to the place of delivery, he may add to his maximum price, f. o. b. country shipping point, 6¢ per cwt. for potatoes or 4¢ per 50 pounds for onions.

6. Section 9 (f) is added to read as follows:

(f) If a country shipper makes sales through a commission merchant, the maximum price shall be the country shipper's maximum f. o. b. price, plus the increase for sales on a delivered basis provided by section 9 (b) (2), if applicable, and plus the commission merchant's usual commission or fee but such commission or fee shall in no event exceed 60¢ per cwt. in the case of potatoes, or 40¢ per 50 pounds in the case of onions. No addition for the brokerage mentioned in section 9 (b) (1) is permitted.

7. Section 9 (g) is added to read as follows:

(g) If a country shipper, his agent, broker or salaried representative, makes sales at auction, the maximum price for such sales shall be the maximum price computed under section 9 (a) and (b) (1) and (2) plus the charge or commission by the agent of the seller at auction as determined under Maximum Price Regulation No. 165.[3]

8. The Note in section 11 (a) is amended to read as follows:

NOTE: The total amount added to the maximum price, f. o. b. country shipping point, plus actual cost of transportation shall not exceed 14¢ per cwt. (in the case of potatoes) and 9¢ per 50 pounds (in the case of onions). (See example in section 10.) In no event may an intermediate seller add a commission merchant's commission or an auction market's fee to his base price.

This amendment shall become effective June 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9534; Filed, June 12, 1943; 2:35 p. m.]

PART 1405—FERRO-ALLOYS

[MPR 407]

FERROCHROMIUM AND CHROMIUM METAL

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of ferrochromium and chromium metal by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of ferrochromium and chromium metal prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1405.153 *Maximum prices for ferrochromium and chromium metal.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 407 (Ferrochromium and Chromium Metal), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1405.153 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 407—FERROCHROMIUM AND CHROMIUM METAL

CONTENTS

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3895, 3963, 4453, 5138, 5363, 6219, 6266, 6472, 8948; 8 F.R. 1133, 2997.

[2] 8 F.R. 7017, 7494.

[3] 7 F.R. 6428, 6566, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364.

Sec.
9. Adjustable pricing.
10. Applications for adjustment.
11. Petitions for amendment.
12. Prohibition against dealing in ferrochromium and chromium metal at prices above the maximum.
13. Enforcement.
14. Definitions.

SECTION 1 *Maximum prices for ferrochromium and chromium metal.* The maximum prices for ferrochromium and chromium metal shall be determined by using the following base contract prices for various grades and sizes, and the premiums, where applicable, set out below:

(A) MAXIMUM BASE CONTRACT PRICES PER POUND OF CHROMIUM CONTAINED FOR DELIVERY IN EASTERN ZONE.

[These prices are for carload lots, bulk, f. o. b. shipping point with freight allowed to destination]

Grades	Crushed sizes									
	Lump	2" x D	1" x D	½" x D	¼" x D	8M x D	20M x D	48M x D	65 to 100 M x D	150 or 200 M x D
High carbon:										
Standard grade, C. 4-10%, Cr. 60-70%, Si 8% max	$0.1300	$0.1310	$0.1310	$0.1325	$0.1325	$0.1350	$0.1375	$0.1400	$0.1425	$0.1450
S. M. grade, C. 4-6%, Cr. 60-65%, Si 1.4-6%, un. 4-6%	.1400	.1410	.1410	.1425	.1425	.1450	.1475	.1500	.1525	.1550
High nitro grade, C. 4-5%, Cr. 60-71%, N. approx. .75%	.1800	.1810	.1810	.1825	.1825	.1850	.1875	.1900	.1925	.1950
Foundry grade, C. 4-6%, Cr. 62-66%, Si 1.6-9%	.1350					.1400	.1400			
Low carbon:										
Standard grade: Cr. 65-72%, Si 1.2% max.:										
C. .03% max	.2500	.2525	.2550	.2575	.2650	.2725	.2800	.3250	.3950	.5400
C. .04% max	.2400	.2425	.2450	.2475	.2550	.2625	.2700	.3150	.3850	.5300
C. .05% max	.2350	.2435	.2400	.2425	.2500	.2575	.2650	.3100	.3800	.5250
C. .06% max	.2300	.2325	.2350	.2375	.2450	.2525	.2600	.3050	.3750	.5200
C. .10% max	.2250	.2275	.2300	.2325	.2400	.2475	.2550	.3000	.3700	.5150
C. .15% max	.2200	.2225	.2250	.2275	.2350	.2425	.2500	.2950	.3650	.5100
C. .20% max	.2150	.2175	.2200	.2225	.2300	.2375	.2450	.2900	.3600	.5050
C. .50% max	.2100	.2125	.2150	.2175	.2250	.2325	.2400	.2850	.3550	.5000
C. 1.00% max	.2050	.2075	.2100	.2125	.2200	.2275	.2350	.2800	.3500	.4950
C. 2.00% max	.1950	.1975	.2000	.2025	.2100	.2175	.2250	.2700	.3400	.4850
S. M. grade C. 1.25% max	.2000	.2025	.2050	.2075	.2150	.2225	.2300	.2750	.3450	.4900
Cr. 62-66%, Si 1.4-6% Mn. 4-6%										
High nitro C. 03-2% max	Add 2c to corresponding standard grade low carbon price schedule.									
Cr. 65-70%, N. approx. .75%.										
Chromium metal:										
Cr. 97% min, fe. 1% max, c. .2% max	.8350		.8350	.8450	.8450	.8550	.8650	.8750	.9350	.9950
Cr. 97% min, fe. 1% max, c. .5% max	.7950		.7950	.8050	.8050	.8150	.8250	.8350	.8950	.9550
Cr. 85% min, fe. 1.50% max, c. 9% min	.7850		.7850	.7950	.7950	.8050	.8150	.8250	.8850	.9450

(B) PREMIUMS PER POUND OF CHROMIUM CONTAINED WHICH MAY BE ADDED TO MAXIMUM BASE CONTRACT PRICES WHERE APPLICABLE

	Ferrochromium		Chromium metals
	High carbon	Low carbon	
(1) Spot sales	$0.0025	$0.0025	$0.0500
(2) Packing:			
(I) Domestic	.0045	.0045	.0050
(II) Ocean shipment, 50 gal. containers	.0065	.0065	.0065
(III) Ocean shipment, 30 gal. containers	.0085	.0085	.0085
(3) Quantities—gross weight:			
(I) Less then carload down to 2,000 lbs.:			
(a) Lump, 2" x D and 1" x D	.0045	.0055	
(b) ½" x D, ¼" x D, 8M x D, and 20M x D	.0055	.0105	
(c) 48M x D, 65-100M x D, 150-200M x D	.0055	.0095	
(II) Less than 2,000 lbs.:			
(a) Lump, 2" x D and 1" x D	.0095	.0155	.0200
(b) ½" x D, ¼" x D, 8M x D and 20M x D	.0105	.0245	.0400
(c) 48M x D, 65-100M x D, 150-200M x D	.0180	.1380	.0400
(4) Sales for delivery in central zone:			
(I) Carload lots	.0040	.0040	
(II) Less than carload lots	.0065	.0065	.0250
(5) Sales for delivery in western zone:			
(I) Carload lots	.0100	.0100	
(II) Less than carload lots	.0185	.0185	.0475

N. B. For general terms see section 4 below.

SEC. 2 *Maximum prices for ferrochromium briquets and foundry alloy.* The maximum prices for ferrochromium briquets and foundry alloy shall be determined by using the following base contract prices and the premiums, where applicable, set out below:

(A) MAXIMUM BASE PRICES PER POUND OF BRIQUET AND FOUNDRY ALLOY FOR DELIVERY IN THE EASTERN ZONE

[These prices are for carload lots, bulk, f. o. b. shipping point with freight allowed to destination]

Ferrochromium briquets Weighing approx. 3⅜ lbs. and containing 2 lbs. cr.	$0.0825
"V" foundry alloy (8 mesh by down) Cr. 28-42%, Si. 14-21%, mn 8-16%.	.0750

(B) PREMIUMS PER POUND OF BRIQUET AND FOUNDRY ALLOY WHICH MAY BE ADDED TO MAXIMUM BASE PRICES WHERE APPLICABLE

	Briquets	Foundry alloy
(1) Spot sales	$0.0025	
(2) Packing:		
(I) Domestic	.0025	.0025
(II) Ocean shipment, 50 gal. containers	.0065	.0065
(III) Ocean shipment, 30 gal. containers	.0085	.0085
(3) Quantity:		
(I) 2,000 lbs. up to carload	.0025	.0075
(II) Less than 2,000 lbs	.0050	.0150
(4) Sales for delivery in central zone:		
(I) Carload lots	.0030	.0030
(II) Less than carload lots	.0050	.0050
(5) Sales for delivery in western zone:		
(I) Carload lots	.0070	.0070
(II) Less than carload lots	.0200	.0200

N. B. For general terms see section 4 below.

SEC. 3 *Maximum prices for grades for which specific maximum prices are not established.* The maximum price of any chromium metal, ferrochromium or other chromium ferroalloy, which differs materially from all chromium metals, ferrochromiums, and other chromium alloys for which specific maximum prices are prescribed in sections 1 and 2 of this regulation, shall be a price approved by the Administrator. This price and the analysis of the material shall be reported within 15 days after delivery and, pending approval, such price may be paid and received subject to adjustment between the parties if the price is disapproved. A price once reported and approved need not thereafter be reported by the same seller.

Reports called for by this provision, shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the price reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. When a price is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days the party reporting such price for approval requests him to do so.

SEC. 4 *Terms of general applicability*—(a) *Credit.* No charge shall be made for extension of credit when payment is made within 30 days of date of invoice.

(b) *No spot premiums on sales to the United States or any agency thereof.* No spot premium may be added on any sale or delivery of ferrochromium or chromium metal to the United States or any agency thereof.

SEC. 5 *Charges for packing.* (a) The domestic packing of all grades of ferrochromium and chromium metal, which is covered by the packing premiums in the price tables above, is packing in drums or barrels of 30 to 50 gallons capacity, which are suitable for domestic shipment. Charges for packing for ocean shipment, when requested by the buyer, may be made as provided in the price tables above.

(b) In the case of packing in smaller containers than those listed, charges may be made as follows:

(1) The highest charge which the seller made for such packing on a delivery made by him during January, February or March 1942 (This packing charge need not have been billed separately.); or

(2) If the seller cannot make this determination on the basis of a delivery, then the highest charge which the seller quoted for such packing during January, February or March 1942 (This packing charge need not have been quoted separately.); or

(3) If the seller cannot determine his maximum charge for such packing under either of the above provisions, then a charge to be approved by the Administrator. This charge shall be reported within 15 days after delivery and, pending approval, such charge may be paid and received subject to adjustment between the parties if the charge is disapproved. A charge once reported and approved need not thereafter be reported by the same seller.

Reports called for by this provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the charge reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. When a charge is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days the party reporting such charge for approval requests him to do so.

(c) *Packing expenses on sales to procurement agencies.* On sales and deliveries of ferrochromium or chromium metal to a procurement agency of the United States the charges for packing, which are provided above, may be added to the maximum price and Supplementary Order No. 34 [1] shall not apply to any sale or delivery of ferrochromium or chromium metal.

SEC. 6 *Charges for grinding.* (a) Standard grinding for ferrochromium and chromium metal shall be that specified above in the price schedules for the different grades. All other grinding shall be considered special grinding and may be charged for as follows:

(1) Grinding to a size larger than or intermediate between standard sizes for the particular grade: The price listed for the next smaller size.

(2) Grinding to a mesh smaller than any listed for the particular grade or to special specifications which include a bottom screen size as well as a top screen size.

(i) The highest charge which the seller made for such grinding and sizing on a delivery made by him during January, February or March 1942 (This grinding and sizing charge need not have been billed separately.); or

(ii) If the seller cannot make this determination on the basis of a delivery, then the highest charge which the seller quoted for such grinding and sizing during January, February or March 1942 (This grinding and sizing charge need not have been quoted separately.); or

(iii) If the seller cannot determine his maximum charge for such grinding and sizing under either of the above provisions, then a charge to be approved by the Administrator. This charge shall be reported within 15 days after delivery and, pending approval, such charge may be paid and received subject to adjustment between the parties if the charge is disapproved. A charge once reported and approved need not thereafter be reported by the same seller.

Reports called for by this provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the charge reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. When a charge is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days the party reporting such charge for approval requests him to do so.

SEC. 7 *Applicability of regulation*—(a) *Geographical.* The maximum prices established by this regulation shall apply to the forty-eight states and the District of Columbia.

(b) *Export sales.* The maximum price at which any person may export ferrochromium or chromium metal shall be determined in accordance with the provisions of the 2nd Revised Maximum Export Regulation,[2] issued by the Office of Price Administration.

(c) *Import sales and sales of imported ferrochromium and chromium metal.* This regulation shall not apply to the importation of ferrochromium or chromium metal or to the sale of ferrochromium metal or chromium metal which has been imported into the forty-eight states and the District of Columbia. The General Maximum Price Regulation [3] and the supplementary regulations issued thereunder shall apply to the importation of ferrochromium and chromium metal and to the sale of imported ferrochromium and chromium metal.

(d) *Relation to General Maximum Price Regulation.* This regulation supersedes the General Maximum Price Regulation as to sales and deliveries of ferrochromium and chromium metal other than imported ferrochromium and chromium metal.

SEC. 8 *Records and reports.* (a) On and after July 1, 1943, every person making a purchase or sale of ferrochromium or chromium metal shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing (1) the date thereof, (2) the name and address of the buyer and the seller, (3) the quantity and analysis of each grade and size purchased or sold, (4) the date of delivery of each shipment, and (5) the price paid or received.

(b) Persons subject to this regulation shall submit such reports, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as the Office of Price Administration may from time to time require.

SEC. 9 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 10 *Applications for adjustment*—(a) *When available.* The Office of Price Administration may, by order, adjust any maximum price established by this regulation whenever it finds, from an application for adjustment or on its own motion, that the price impedes or threatens to impede any seller's production of ferrochromium or chromium metal and that the seller's production is essential for the prosecution of the war.

(b) *Principal considerations.* In considering whether production is impeded or threatened, although other relevant factors may be considered, principal consideration will be given to the over-all profit or loss of the seller before income or excess profits taxes. Wherever possible the seller's future annual earnings before income and excess profits taxes as estimated by the Office of Price Administration on the basis of actual current earnings, will be compared with the seller's average profit or loss before in-

[1] 7 F.R. 10779.

[2] 8 F.R. 4132, 5987, 7662.

[3] 8 F.R. 3096, 3449, 4347, 4486, 4724, 4848, 4974, 6047, 6962.

come and excess profits taxes for his four fiscal years beginning on or after January 1, 1936, adjusted for changes in invested capital (here called "base profit"). Where the seller was not in business during a part or all of this base period, or where the base profit is lower than the base profit which the Office of Price Administration considers adequate for a business of the type and size conducted by the seller, a profit which the Office of Price Administration considers adequate will be used in lieu of the base profit. In addition consideration will be given to the seller's revenue from the grade or grades of ferrochromium or chromium metal on which he seeks price adjustment and to his total revenue from all other sources.

(c) *Amounts of adjustment.* Increases in price will be permitted in an amount which the Office of Price Administration considers sufficient to avoid the impeding of production or the threat of impeding production.

(d) *Form of application.* An original and one copy of an application for adjustment must be filed with the Office of Price Administration, Washington, D. C. It is suggested that, before filing an application for adjustment under the provisions of this section, the seller obtain from the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

SEC. 11 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of the Revised Procedural Regulation No. 1,[4] issued by the Office of Price Administration.

SEC. 12 *Prohibition against dealing in ferrochromium and chromium metal at prices above the maximum.* (a) On and after July 1, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver ferrochromium or chromium metal and no person in the course of trade or business shall buy or receive ferrochromium or chromium metal at prices higher than the maximum prices set out in this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) Any practice or device which is an attempt to get the effect of a price higher than the maximum without actually charging a higher price is prohibited and is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(c) Prices lower than those set out in this regulation may be charged, demanded, paid or offered.

SEC. 13 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942, as amended. "War procurement agency" includes the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

SEC. 14 *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Ferrochromium" means any alloy consisting principally of chromium and iron, which is used principally as a medium for the introduction of chromium in the manufacture of steel and iron. As used in this regulation the term likewise includes those ferroalloys for which maximum prices are established in section 2 above.

(3) "Chromium metal" means the element chromium in metallic form. It likewise includes any material in metallic form which contains 85% or more chromium.

(4) "Contract price" means that price determined by a written contract calling for delivery or deliveries of an estimated amount at some future date or dates within a specified period of time, not less than three months.

(5) "Spot price" means the price for a single or isolated sale for delivery within three months.

(6) "Gross ton" means 2,240 pounds.

(7) "Carload lots" means not less than the minimum quantity which may be shipped by the seller to the particular buyer at the carload tariff rate.

(8) "Freight" means the charge for transportation not in excess of the charge made by railroads and includes the federal tax on such railroad transportation charge.

(9) "Eastern Zone" includes Mississippi River points and all the area east of the Mississippi River.

(10) "Central Zone" includes all the area west of the Mississippi River (not including Mississippi River points on the west side of the River) and east of a line formed by the western boundaries of the States of New Mexico, Colorado, Wyoming, and the extension of the western boundary of Wyoming directly north to the Canadian border.

(11) "Western Zone" includes the States of California, Oregon, Washington, Arizona, Nevada, Utah, Idaho and that portion of Montana west of a line formed by the extension of the western boundary of Wyoming north to the Canadian border.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

This regulation shall become effective July 1, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9548; Filed, June 12, 1943; 4:23 p. m]

[4] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

TITLE 34—NAVY

Chapter I—Department of the Navy

PART I—GENERAL REGULATIONS AFFECTING THE PUBLIC

RESTRICTIONS ON PARCELS TO PERSONNEL OF U. S. NAVY, MARINE CORPS, AND COAST GUARD OVERSEAS

§ 1.3007 *Restrictions on parcels to personnel of the United States Navy, Marine Corps, and Coast Guard overseas.* In order to meet the needs of the Navy Department and to assure prompt service to the personnel of the Navy, Marine Corps, and Coast Guard outside the continental United States, the Postmaster General [Order No. 21128, Apr. 27, 1943] has approved an amendment and consolidation of the restrictions governing the acceptance of parcels for mailing to such personnel as follows:

1. Except as hereinafter provided, no parcel shall be accepted for mailing to personnel of the United States Navy, Marine Corps, or Coast Guard who are stationed overseas if it weighs more than 5 pounds, or exceeds 15 inches in length, or 36 inches in length and girth combined. This includes parcels addressed in care of the Postmaster, or the Fleet Post Office, at New York, N. Y., or San Francisco, Calif., and parcels addressed to naval installations or stations in care of Postmaster, Seattle, Wash., or the Fleet Post Office at Seattle.

2. The instructions of the Navy Department now in effect require that personnel of the Navy afloat or outside the continental United States have their mail addressed only to the Fleet Post Office at San Francisco, Calif., or New York, N. Y., or Seattle, Wash., as indicated in the preceding paragraph.

3 For the present, it is not necessary that an approved request be obtained from the addressee before parcels may be mailed to naval personnel overseas, but not more than one parcel within these limits of weight and size shall be accepted for mailing in any one week when sent by or on behalf of the same person or concern to or for the same addressee. No perishable matter shall be accepted for such personnel.

4. The following exceptions to the foregoing are applicable under which parcels weighing not more than 70 pounds, and not exceeding 84 inches in length or 100 inches in length and girth combined, shall be accepted for mailing, *Provided:*

(a) The parcel is addressed to an officer of the Navy, Marine Corps, or Coast Guard at a ship or station by official title, and the mailer either (1) exhibits an order or request showing that the parcel is intended for use of the United States and is mailed pursuant to a bona fide order or contract, or (2) the parcel is accompanied with a certification signed by

the mailer that the shipment is for use of the United States, or an allied government, and in response to a bona fide Government order or contract. (Ship service, post exchanges canteens, and lend-lease agencies are considered for this purpose as Government agencies.)

(b) Parcels when presented by a dealer or member of an individual's family, *Provided:*

(1) The mailer declares that the contents consist only of military clothing or equipment and exhibits an order or request of the member to whom the shipment is addressed, or

(2) The parcel is accompanied with a certification signed by the mailer that the shipment is in response to a bona fide order or request from the member of the United States Navy, Marine Corps, or Coast Guard to whom it is addressed and that the parcel contains only military clothing or equipment.

(c) Parcels containing books, when presented by a publisher, dealer, or member of an individual's family, *Provided:* The parcel is accompanied with a certification signed by the mailer that the shipment contains only medical or other technical books and is in response to a bona fide order or request from the member to whom it is addressed, together with a statement from his commanding officer that the shipment is essential for the duties of the addressee.

(d) Single copies of publications of the second class weighing more than five pounds when presented by publishers or news agents: *Provided,* The publications are of a technical or scientific nature and are sent in response to a bona-fide subscription.

(e) Parcels when presented by a member of an individual's family: *Provided,* The mailer presents with the shipment an order or request of the member to whom the shipment is addressed and a statement from his commanding officer that the shipment is essential for the morale of the member or others in the command.

5. The restriction that not more than one parcel or package shall be accepted for mailing in any one week when sent by or on behalf of the same person or concern to or for the same addressee, does not apply to parcels mailed pursuant to exceptions stated in paragraphs (a) to (e) of the above.

6. The certifications and statements referred to in paragraphs (a) to (e), inclusive, shall be postmarked by the accepting employee in such manner as to prevent their reuse and then returned to the senders. Parcels accepted under the exceptions enumerated shall be indorsed "Mailing Authorized by Order No. 21128."

7. The above rescinds Order No. 19857 dated January 26, 1943, and supersedes so much of Order No. 17559 as relates to the mailing of parcels to naval agencies or members of armed forces connected with such naval agencies.

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-9531; Filed, June 12, 1943; 1:29 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

SEAMLESS HOSIERY INDUSTRY

In the matter of the determination of the prevailing minimum wage in the seamless hosiery industry; Determination of the Secretary.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III, 35), entitled "An act to provide contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On March 2, 1943, the Administrator of the Division of Public Contracts of the United States Department of Labor issued a notice of opportunity to show cause on or before March 23, 1943, why I should not amend the prevailing minimum wage determination for the seamless hosiery industry, issued by me on July 28, 1937, and amended on March 12, 1942, and August 12, 1942, by increasing the prevailing minimum wage from 36 cents an hour to 40 cents an hour.

The notice sets forth that:

(1) The minimum wage required to be paid by seamless hosiery manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on February 15, 1943, pursuant to the Wage Order of the Administrator of the Wage and Hour Division for the seamless hosiery industry; and (2) substantially all employees subject to my prevailing minimum wage determination for the seamless hosiery industry are engaged in commerce or in the production of goods for commerce, and consequently the wage order has the effect of establishing 40 cents an hour as the prevailing minimum wage in the seamless hosiery industry.

This notice was sent to trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER on March 4, 1943 (8 F.R. 2743). No objections, protests, nor any statements in opposition to the proposed amendment have been received.

Following issuance of this notice, prevailing minimum wage determinations issued under the Public Contracts Act for a number of industries, including the seamless hosiery industry, were amended by me to provide that learners may be employed at subminimum rates only in accordance with the applicable regulations issued by the Administrator of the Wage and Hour Division, as amended on March 22, 1943. This amendment was made applicable to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after March 22, 1943, except that learners may be employed at subminimum rates, in accordance with the amended regulations of the Administrator of the Wage and Hour Division, on or after March 22, 1943, in the performance of contracts bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.6 *Seamless hosiery.* The prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III, 35), for the manufacture or furnishing of seamless hosiery is 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which I hereby adopt for the purposes of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after July 8, 1943. In the performance of contracts bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to July 8, 1943 learners may be employed on or after March 22, 1943, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

Dated: June 8, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-9506; Filed, June 12, 1943; 9:53 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

HANDKERCHIEF INDUSTRY

In the matter of the determination of the prevailing minimum wage in the handkerchief industry; Determination of the Secretary.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III, 35), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On March 2, 1943, the Administrator of the Division of Public Contracts of the United States Department of Labor issued a notice of opportunity to show cause on or before March 23, 1943, why I should not amend the prevailing minimum wage determination for the handkerchief industry, issued by me on January 10, 1938, by (1) increasing the prevailing minimum wage from 35 cents an hour to 40 cents an hour, (2) providing that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, and (3) adopting the definition of the handkerchief industry contained in the wage order for the handkerchief manufacturing industry, effective February 15, 1943, issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938.

The notice sets forth that:

(1) The minimum wage required to be paid by handkerchief manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on February 15, 1943, pursuant to the Wage Order of the Administrator of the Wage and Hour Division for the handkerchief manufactur-

ing industry; (2) substantially all employees subject to my prevailing minimum wage determination for the handkerchief industry are engaged in commerce or in the production of goods for commerce, and consequently the wage order has the effect of establishing 40 cents an hour as the prevailing minimum wage in the handkerchief industry; and (3) it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to provide that learners may be employed at subminimum rates under this determination in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, and to clarify my determination of January 10, 1938 by adopting the definition of the handkerchief industry contained in the aforementioned wage order of the Administrator of the Wage and Hour Division.

This notice was sent to trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER on March 4, 1943 (8 F.R. 2743). No objections, protests, or any statements in opposition to the proposed amendments have been received.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.10 *Handkerchief.* (a) The handkerchief industry, for the purpose of this determination, is defined as follows: The manufacture of men's, women's, and children's handkerchiefs, plain or ornamented, from any material.

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III, 35), for the manufacture or supply of the products of the Handkerchief Industry as herein defined shall be 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piecework basis: *Provided,* That learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which I hereby adopt for the purposes of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after July 8, 1943.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

Dated: June 8, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-9507; Filed, June 12, 1943; 9:53 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

MEN'S NECKWEAR INDUSTRY

In the matter of the determination of the prevailing minimum wage in the men's neckwear industry; Determination of the Secretary.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036, 41 U.S.C., Supp. III 35), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On July 28, 1937, I issued the following determination:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 843, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) shall be 50 cents per hour, or $20.00 per week for a forty hour week arrived at either upon a time or piece work basis, and

(2) That a tolerance of not to exceed 10 percent of the workers in any one establishment shall be granted for those workers who are in fact learners, handicapped or superannuated workers, exclusive of boxers and trimmers, with an additional tolerance to persons actually employed as boxers and trimmers: *Provided,* That all such workers including learners, handicapped and superannuated workers and boxers and trimmers, be paid not less than 37.5 cents per hour or $15.00 per week for a forty hour week and not less than the piece rates paid to all other workers in the same occupational classification: *And provided further,* That all such employees be qualified for such exemption in accordance with such requirements as may be established hereafter.

On August 12, 1942, I issued regulations (41 CFR 201.1102) permitting employment of handicapped workers at subminimum rates under the Public Contracts Act in accordance with the regulations of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, and amended all prevailing minimum wage determinations, including the men's neckwear wage determination, to provide that handicapped or superannuated workers may not be employed at subminimum rates under any other condition.

The minimum wage required to be paid by the manufacturers of men's neckwear subject to the provisions of the Fair Labor Standards Act of 1936 is 40 cents an hour pursuant to the wage order for the miscellaneous apparel industry issued by the Administrator of the Wage and Hour Division under date of November 28, 1941. It appears that substantially all employees subject to the men's neckwear wage determination of the Secretary are engaged in commerce or in the production of goods for commerce as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage order of the Administrator has had the effect of establishing 40 cents per hour as the prevailing minimum wage for boxers and trimmers in the men's neckwear industry.

It is deemed desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to amend the men's neckwear wage determination of the Secretary to provide that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division (29 CFR, Part 522). The men's neckwear wage determination of the Secretary has been interpreted to apply to the manufacture and supply of women's ties of design and construction similar to the men's neckwear expressly mentioned in the determination, and it appears desirable to clarify the language of the determination by expressly mentioning such women's ties.

On December 10, 1942, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause on or before December 31, 1942 why I should not make the following determination pursuant to the provisions of section 1 (b) of the Act of June 30, 1936, Pub. No. 846, 74th Congress (49 Stat. 2036; 41 U.S.C. Supp. III, sec. 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) and of women's ties of design and construction similar to such men's neckwear is 50 cents per hour or $20.00 per week for a 40-hour week arrived at either upon a time or piece work basis, provided that learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which are hereby adopted for the purpose of this determination, and

(2) That a tolerance of not to exceed 10 percent of the workers in any one establishment shall be granted for persons actually employed as boxers and trimmers: *Provided,* That such boxers and trimmers be paid not less than 40 cents per hour or $16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification: *And provided further,* That they be qualified for such exemption in accordance with such requirements as may be established hereafter.

There was no protest to the show cause notice. In view of the fact, however, that the tolerance on boxers and trimmers was originally made "to permit the development of new personnel in the industry and to recognize those beginners who are engaged as boxers and trimmers," and because of the turnover incident to the war, of employees in similar classifications in similar industries, I find it consistent to leave the tolerance for boxers and trimmers without restriction other than that they are actually employed as boxers and trimmers and that they shall be paid not less than 40 cents an hour or $16 per week for a 40 hour week and not less than piece rates paid to all other workers in the same occupational classification.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.3 *Men's neckwear.* (a) The minimum wage for employees engaged in the performance of contracts with

agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) and of women's ties of design and construction similar to such men's neckwear is 50 cents per hour or $20.00 per week for a 40-hour week arrived at either upon a time or piece work basis: *Provided*, That learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which are hereby adopted for the purpose of this determination, and

(b) Establishments manufacturing products as defined in this industry shall be granted a tolerance for persons actually employed as boxers and trimmers: *Provided*, That such boxers and trimmers be paid not less than 40 cents per hour or $16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification.

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after July 8, 1943, except that learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after July 8, 1943, in the performance of contracts bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Nothing in this determination shall affect such obligations for the payment of minimum wages as the employer may have under any other law or agreement more favorable to employees than the requirements of this determination.

Dated: June 8, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-9508; Filed, June 12, 1943; 9:53 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

LIQUID CHLORINE IN BULK

Part 146 is amended by adding the following:

§ 146.24-15 *Liquid chlorine in bulk.* (a) Liquid chlorine may be transported in bulk on board Class "AA", "BB", or "BC" cargo barges when loaded in Class I fusion-welded steel tanks (pressure vessel type) independent of the structure of the vessel.

(b) (1) New or existing barges proposed to be used for the transportation of chlorine in bulk shall be approved. Detail plans showing the design and construction of the barges shall be submitted for such approval. An approved barge shall be maintained in accordance with the provisions of the initial approval, normal wear and wastage excepted. Failure to maintain such physical condition may result in the withdrawal of said approval.

(2) Tanks shall be fabricated, constructed and tested in accordance with the applicable provisions of the regulations entitled "Marine Engineering Regulations and Material Specifications" of the U. S. Coast Guard. (46 CFR Parts 50 to 58, incl.) In addition to other markings required to be shown upon the tank, the water capacity of the tank in pounds shall also be stamped and stenciled thereon. Plans shall be submitted when requesting approval.

(c) Tanks shall be designed for an allowable working pressure of not less than 300 pounds per square inch and the safety valves shall be set at the maximum allowable working pressure of the tank. Each tank shall be provided with a manhole nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading and safety valves. Other openings in the tank are prohibited.

(d) A protective housing of approved design shall be provided over the manhole cover and the valves and other openings in said cover, and so constructed as to provide that any leakage of the lading occurring around the cover, valves, gaskets, safety devices, etc., can readily be discharged into the water alongside the barge.

(e) Independent tanks shall be so fitted on board the barge as to provide sufficient space for visual inspection around the tanks and any adjacent fixed structural part of the barge, or in lieu thereof the installation shall be such as to make it practicable to move said tanks for the inspection of the structure of the barge and the tanks.

(f) The design indicative of the manner in which the tanks are to be installed, supported, and secured on board the barge shall be approved prior to installation. Tanks shall be supported in steel cradles and secured in place by means of base anchorages or steel bands. No appendages shall be welded to a tank after said tank has been stress relieved.

(g) The maximum weight of chlorine loaded into a tank shall not exceed 1.25 times the fresh water capacity of the tank. When more than one tank is installed in a barge, said tanks shall not be interconnected, either directly or by a manifold. When a tank is being filled or discharged no other of the barge's cargo tanks shall be connected to said filling or discharge line. Filling and discharge pipe connections shall be kept disconnected at the cargo tank, except when actually loading or unloading the lading of the cargo tank and the outlet valves on the tank shall, when the filling or discharge line is disconnected, be completely plugged or blanked off.

(h) Because of the importance of the requirement that tanks shall not be loaded with chlorine in excess of 1.25 times the water capacity (weight basis) the following procedure is required to be followed:

1. The cargo tank to be filled shall be inspected to insure that it is empty and free from foreign matter. After being again made tight the tank shall be evacuated to at least 20 inches of mercury and then loaded with chlorine through a direct pipe line from a shore tank that is mounted on scales so that a predetermined weighted amount of chlorine is loaded into a cargo tank on board the barge. Any vapor vented during the loading operation shall be ignored in calculating the safe carrying capacity of the cargo tank.

2. After the loading operation is completed the vapor above the liquid chlorine shall be analyzed and if it should contain less than 80% chlorine, vapors shall be withdrawn through the vent line until the vapor content in the cargo tank shows at least 80% chlorine. The arsenious oxide or the potassium iodide methods of anlysis shall be used in determining the percentage of chlorine in the vapor.

3. Upon completion of the loading of a cargo tank and after filling connections are removed, the cover plate gasket and fittings attached to the cover plate shall be tested for leakage of chlorine. This shall be done by using the aqua ammonia method.

4. The chlorine shall be unloaded by taking advantage of its vapor pressure to force the liquid out of the tank. If desired, compressed air may be used, provided it has been dried by passing it over activated aluminum oxide, silica gel, or other approved drying agent. The compressed air system shall contain a safety valve arranged and set so that the air pressure in the cargo tank cannot exceed 150 pounds per square inch gauge.

5. A flexible metal connection, of a design to be approved, shall be fitted in each filling discharge, and return pipe line to compensate for movement of the barge during the operation of filling or discharge.

6. A diagrammatic sketch of filling and discharge systems shall be submitted when requesting approval. Complete information shall be indicated by legends shown on the sketch.

7. Alternate methods of filling or discharging the lading may be submitted for approval for use.

(j) Cargo tanks shall be examined and retested every two years in the presence of an inspector of the Coast Guard. The examination shall consist of a thorough internal and external inspection. The hydrostatic test shall be at a pressure of 450 pounds per square inch. The safety valve or valves shall be dismantled, overhauled and reset at the time of this biennial inspection. Upon satisfactory conclusion of tests the inspector shall stamp upon the tank the date and other identification necessary to indicate authority for continued use of the cargo tanks and safety valves.

(k) Sea cocks of an approved design for the purpose of sinking the barge in

event of an emergency shall be fitted on Class "BB" or "EC" barges.

(l) No other kinds of cargo shall be on board the barge at the same time that chlorine in either liquid or vapor form is present in the cargo tank.

(m) The following substances shall not be used as stores on board barges transporting chlorine in bulk: Hydrogen, methane, liquefied petroleum gases, acetylene, ammonia, methyl ether, ethyl phosphine, turpentine, compounds containing such substances, metallic powders, finely divided metals or finely divided organic material.

(n) Repairs involving the use of welding or burning equipment shall not be undertaken on the barge while chlorine in either liquid or vapor form is present in the tanks, except in an emergency involving the safety of the barge.

(o) During the time chlorine cargo is laden in the tanks the barge shall be under constant surveillance. A towing vessel engaged in transporting such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock or other terminal and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman or guard service shall be provided by said consignor or consignee.

(p) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when chlorine is laden in the tanks. A placard shall be posted approximately midship on each side and facing outboard. A placard shall be posted at each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards will be so arranged as to provide clear visibility and be protected from becoming readily damaged or obscured. After unloading and before a tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous-Empty" legend.

(q) The word "approved" when used in Section 146.24–15 shall mean approved by the Commandant, U. S. Coast Guard.

(R.S. 4472, as amended; 46 U.S.C., 1940 ed., 170); (E.O. 9083, February 28, 1942, 7 F.R. 1609)

R. R. WAESCHE,
Commandant.

JUNE 12, 1943.

[F. R. Doc. 43-9557; Filed, June 14, 1943; 10:06 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte No. 72 (Sub-No. 1)]

PART 60—CLASSIFICATION OF EMPLOYEES AND SUBORDINATE OFFICIALS

DRIVERS FOR LOS ANGELES MOTOR COACH LINES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June, A. D. 1943.

In the matter of regulations concerning the class of employees and subordinate officials to be included within the term "employee" under the Railway Labor Act.

It appearing that the Brotherhood of Railroad Trainmen has filed a petition herein requesting this Commission to amend or interpret its orders defining work as that of employees or subordinate officials so as to include the work of the persons described in the next succeeding paragraph hereof, and full investigation of the matters and things involved having been made, and the division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

It is ordered, That the orders heretofore issued by the Commission under authority of section 300 (5) of the Transportation Act, 1920, and sections 1 (fifth) of the Railway Labor Act, defining work as that of employees or subordinate officials, now in effect, be, and they are hereby, amended by adding the following:

§ 60.12e *Motor coach drivers.* The work performed by the persons driving the motor coaches of the Los Angeles Motor Coach Lines in Los Angeles, Calif., and contiguous territory, is defined as that of employees. (Sec. 300, 41 Stat. 469, sec. 1, 44 Stat. 577, 48 Stat. 1186; 45 U.S.C. 131, 151)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-9523; Filed, June 12, 1943; 10:41 a. m.]

[Service Order 126, Amdt. 2]

PART 95—CAR SERVICE

ICING OF POTATOES IN CERTAIN SOUTHERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of June, A. D. 1943.

It appearing, that weather conditions have enhanced the perishable characteristics of potatoes originating in the States of Florida, Georgia, and South Carolina, so that they require icing; that the acute shortage of ice in this territory precludes full icing privileges for such traffic, or any icing of such traffic originating in North Carolina or Virginia when moving in refrigerator cars; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.308 *Refrigerator cars.* This section is hereby amended to read as follows:

(a) (1) *Cars of potatoes originating in North Carolina or Virginia not to be iced.* Notwithstanding the provisions of Service Order No. 123, as amended (§ 95.307, 8 F.R. 6481) or Service Order No. 128, as amended, (§ 95.309, 8 F.R. 7729); effective June 12, 1943, and until further order of the Commission, no common carrier by railroad subject to the Interstate Commerce Act shall ice or permit to be iced a refrigerator car or cars loaded with potatoes originating in the States of North Carolina or Virginia. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(2) *Cars of potatoes originating in Florida, Georgia or South Carolina to be initially iced.* Effective June 12, 1943, and until further order of the Commission, all common carriers by railroad may initially ice or permit to be initially iced a refrigerator car or cars loaded with potatoes originating in the States of Florida, Georgia or South Carolina, but not in excess of 5,000 pounds of ice per car: *Provided, however*, That where a refrigerator car is equipped for half-stage icing, such ice, but not to exceed 5,000 pounds per car, shall be placed in the upper half of the bunkers with grates set for half-stage icing. This order shall not be construed to permit any reicing.

(b) *Charges to be assessed.* Charges to be assessed for icing prescribed in paragraph (a) (2) of this section shall be as now provided in Rule 240 of Agent Quinn's Perishable Protective Tariff, No. 12, I. C. C. No. 19, supplements thereto or reissues thereof.

(c) *Announcement of suspension.* Each of such railroads or its agent shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension and establishing the substitute provisions above set forth.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-9521; Filed, June 12, 1943; 10:41 a. m.]

[Service Order 127–A]

PART 95—CAR SERVICE

MOVEMENT OF POTATOES FROM CERTAIN SOUTHERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of June, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 127 of May 31, 1943, and good cause appearing therefor: *It is ordered*, That:

§ 95.20 *Movement of potatoes from Florida, Georgia, North Carolina, South Carolina, and Virginia under permit.* This section is hereby vacated and set aside insofar as it applies from Bulloch, Effingham, Chatham, or Liberty counties in the State of Georgia and Dillon, Marion, Florence, Horry, Sumter, Clarendon, Williamsburg, Georgetown, Orangeburg, Berkeley, Dorchester, Charleston, Colleton, Allendale, Hampton, Jasper, or Beaufort counties in the State of South Carolina.

It is further ordered, That this order shall become effective at 12:01 a. m., June 12, 1943, that copies of this order and direction shall be served upon all common carriers by railroad and upon all tariff publishing agents for common and contract motor carriers serving the States of Georgia and South Carolina and upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that a copy of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-9587; Filed, June 14, 1943; 11:50 a. m.]

[Service Order 130]

PART 95—CAR SERVICE

MOVEMENT OF WATERMELONS IN ARIZONA AND CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of June, A. D. 1943.

It appearing, that refrigerator cars are being used for transportation of watermelons in and from the States of Arizona and California and that there is a threatened shortage of such cars in this area; the Commission is of the opinion that an emergency exists requiring immediate action to prevent a shortage of refrigerator equipment:

It is ordered, That:

§ 95.311 *Refrigerator cars*—(a) *Cars not to be loaded with or used for transporting watermelons.* Effective at once and until further order of the Commission, no common carrier by railroad subject to the Interstate Commerce Act shall furnish or supply a refrigerator car or cars to any shipper for loading or transporting watermelons intrastate or interstate when such traffic originates in Arizona or California, and no carrier shall move a refrigerator car or cars loaded with watermelons originating in such states to any destination. This order shall not be construed to affect shipments of watermelons in transit on effective date of this order. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-9522; Filed, June 12, 1943; 10:41 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1811]

DISTRICT BOARD 9

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the petition of District Board No. 9 for the reduction of minimum prices for washed coals approximately 10 mesh x 0 in size group 25 produced at the Sentry Mine (Mine Index No. 72) of the Sentry Coal Mining Company for rail shipments.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on December 31, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 9, requesting a reduction in the minimum f. o. b. mine price for rail shipment applicable to 10 mesh x 0 washed screenings produced at the Sentry Mine (Mine Index No. 72) of the Sentry Coal Mining Co.,[1] located in District 9, Hopkins County, Kentucky.

Pursuant to appropriate order, and after due notice to interested persons a hearing in this matter was held before Edward J. Hayes, a duly designated Examiner of the Division, on January 26, 1943, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner and Bituminous Coal Consumers' Counsel appeared. At the conclusion of the hearing all parties waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to me for consideration.

The Sentry Mine began operating in 1937. All coal produced at the Sentry Mine except its 6" lump is washed. In the production of the washed stoker coal 1¼" or 1" x 10 mesh, the product passing through the 10 mesh screen is a resultant consisting of dirt and other impurities. During the period of the operation of this mine, this resultant has been conveyed to storage piles which now contain approximately 100,000 tons. Until recently, no effort has been made to market this tonnage. It is asserted in the petition that this resultant coal is of comparable quality and value to Size Group 25 coal produced by District 9 mines operating in the #9 and #11 Seams and that the minimum prices for rail shipment for this 10 mesh x 0 coal should equal the prices established for the Beech Creek Mine (Mine Index No. 1).[2]

According to William G. Blewett, Vice-President of the Southern Coal Company, a witness for the district board, the 10 mesh x 0 resultant coal produced by the Sentry Mine which he described as "slurry" coal is most nearly comparable to Size Group 25 coals produced from the #9 and #11 Seams.[3] He testified that proximate analyses made comparatively recently indicate that this slurry coal contains excessive moisture and ash with a lower B. t. u. content, and is inferior in all respects to the coal in Size Group 25 produced by the Crabtree Mine (Mine Index No. 15) of the Norton Coal Corporation which operates in the #11 Seam and is classified the same as the Beech Creek Mine. He maintained that under normal conditions this resultant is not marketable at any price, but that with the increased demand for coal due to the war effort, competitive conditions are abnormal and that a market has been created at certain plants which have burning equipment for pulverized fuel. However, this market will

[1] Petitioner is so designated in the Schedule of Effective Minimum Prices for District No. 9.

[2] The Beech Creek Mine is a base mine operating in Seam #9, and is priced 30 cents lower than the Sentry Mine which operates in the #14 Seam.

[3] Maximum top size ⅜" and smaller; maximum bottom size (water cleaned) 1 millimeter, (air cleaned) 10% of fines passing through a 10 mesh screen.

not pay the price applicable to Size Group 25 coals.

The uncontroverted evidence discloses that the 10 mesh x 0 resultant produced by the Sentry Mine may be marketed if a price for rail shipment 30 cents per net ton lower than the price applicable to Size Group 25 coals is established. It further appears that if the proposed price is not established, the product will continue to be dumped on storage piles and wasted. The record establishes that the requested price would place the Sentry Mine on a parity with other mines producing an analogous and comparable resultant coal. Moreover, so far as the record discloses, no specific objection was expressed at the hearing to the proposed price revision.

In the circumstances thus disclosed, it is apparent that the availability of this resultant coal in meeting today's increased demand for coal is an essential element in determining the propriety of the proposed price revision. In the instant case it is more important than the competitive factor which is not presently demonstrable since this coal has not been marketed. I believe, however, that the proposed prices reflect the relative market value of the coal, are just and equitable between producers in District 9, and properly relate such coals with comparable and competitive coals. I find, therefore, the minimum prices for this 10 mesh x 0 resultant coal produced by the Sentry Mine for rail shipment to all areas should equal the effective minimum prices established for Size Group 25 coals produced by mines operating in the #9 and #11 Seams, and that such price revision can be best administered by a special price exception to the Schedule of Effective Minimum Prices for rail shipments. I find further that such price revision and special price exception comply with the standards set forth in section 4 II (a) and (b) of the Act and are necessary to effectuate the purposes thereof.

Now, therefore, it is ordered, That the Schedule of Effective Minimum Prices for District No. 9 for All Shipments except Truck be, and the same hereby is, amended by the addition of the following price exception to be designated Price Exception (B) 4:

The minimum prices applicable to coal in Size Group 25 may be reduced 30 cents per net ton for rail shipment to all market areas, in the case of 10 mesh x 0 washed screenings produced by the Sentry Mine (Mine Index No. 72), of the Sentry Coal Mining Co.

Dated: June 11, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9573; Filed, June 14, 1943; 10:53 a. m.]

[Docket No. 35-FD]

SUPERIOR COAL COMPANY

ORDER EXTENDING EFFECTIVE DATE OF DENIAL OF APPLICATION FOR EXEMPTION

An order was issued in this proceeding May 25, 1943, denying the application of Superior Coal Company, a code member in District 10, for exemption, effective fifteen (15) days from the date thereof. Thereafter, on June 7, 1943, Superior Coal Company filed an application requesting that the effective date of the order denying its application for exemption be extended to July 1, 1943. Applicant alleges that it disposes of all coal produced by it, except coal sold to mine employees, to the Chicago and Northwestern Railway Company and the Chicago, St. Paul, Minneapolis and Omaha Railway Company for railroad fuel purposes. Superior Coal Company alleges further that postponement of the effective date of the order is appropriate to enable it to determine whether or not to request District Board 10 to file a petition for the establishment of minimum prices for railroad fuel use applicable to the coal produced by applicant.

I believe that the requested relief is appropriate and that the third paragraph of the order denying the application of Superior Coal Company for exemption dated May 25, 1943, should, accordingly be amended to read as follows:

It is hereby further ordered, That effective July 1, 1943, the application of Superior Coal Company is denied.

It is so ordered.

Dated: June 11, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9572; Filed, June 14, 1943; 10:55 a. m.]

[Docket No. B-356]

BLACK DIAMOND COAL MINING COMPANY

ORDER GRANTING APPLICATION

In the matter of W. W. Bridges, Receiver, Black Diamond Coal Mining Company, code member.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure, terminating code membership, providing for payment of tax for restoration of code membership, to cease and desist upon restoration, and terminating matter.

A complaint, dated December 11, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 15, 1942, by the Bituminous Coal Producers Board for District No. 9, a district board, (the "Complainant"), with the Bituminous Coal Division (the "Division"), alleging that W. W. Bridges, Receiver, Black Diamond Coal Mining Company, a Code Member (the "Code Member"), whose address is Drakesboro, Kentucky, wilfully violated the Bituminous Coal Code (the "Code") or rules and regulations thereunder, as more fully set forth in the complaint; and

Said complaint having been duly served on the Code Member on December 11, 1942; and

Application of the Code Member for disposition of this proceeding without formal hearing, having been filed with the Division on March 12, 1943; and

Notice of the filing of said application having been published in the FEDERAL REGISTER on April 19, 1943, and said notice having set forth in detail the violations alleged in the complaint, and the Code Member's admissions with respect thereto, and his consent to the entry of an order of revocation, the imposition of a tax in the amount of $2,411.09, and a cease and desist order, as hereinafter made herein, and a conformed copy of said notice having been duly mailed to the Complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might, within fifteen (15) days from the date of said notice, file recommendations or requests for informal conferences with respect to said application, and it appearing that no such recommendation or requests have been filed with the Division within said fifteen (15) day period;

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violations and to compose differences of the parties thereto and upon the said application of the Code Member for disposition without formal hearing filed pursuant to said § 301.132 of the Rules of Practice and Procedure, and upon evidence in the possession of the Division,

It is hereby found that: (A) W. W. Bridges is the duly appointed and acting Receiver of the Black Diamond Coal Mining Company, a corporation, organized and existing by virtue of the laws of the State of Kentucky, with its principal office and place of business at Drakesboro, Kentucky, and is engaged in the business of mining and producing bituminous coal;

(B) W. W. Bridges, as Receiver of the Black Diamond Coal Mining Company, filed with the Division on June 25, 1937, his Code Acceptance, dated June 19, 1937. Said Code Acceptance became effective as of June 25, 1937, and W. W. Bridges, Receiver, Black Diamond Coal Mining Company, is now a Code Member in District No. 9, operating the Black Diamond No. 2 Mine, Mine Index No. 6, and the Black Diamond No. 3 Mine, Mine Index No. 7, located in Muehlenburg County, Kentucky, in District No. 9;

(C) W. W. Bridges, Receiver, Black Diamond Coal Mining Company, wilfully violated the Act, the Code, and regulations made thereunder as follows:

1. By selling and delivering during the period October 29, 1940 to April 20, 1942, coal produced by the said Code Member to the Boillin-Harrison Company, Clarksville, Tennessee, wholesale grocer, for resale and delivery to W. E. Beach Coal Company, Clarksville, Tennessee, a retail coal dealer, a total of 4,819.15 tons of various sizes of coal and allowing to the said Boillin-Harrison Company rebates, credits, or unearned discounts from the invoice price of said coal in amounts ranging from 5 cents to 25 cents per ton, thereby reducing the sales price of said coal below the effective minimum price therefor.

2. By failing to receive payment for the coal referred to in Paragraph 1 above in United States Currency or funds equivalent thereto, payment for said coal

being made to the Code Member in the form of groceries or other staple articles.

3. By granting allowances ranging from 20 cents to 35 cents per ton from the invoice price for alleged substandard preparation or quality on a total tonnage of 254.75 tons of coal of various sizes, sold on or about June 28, 1941, August 13, 1941, and January 3, 1942, without the filing of the statement required by Rule 1 of section X of the Marketing Rules and Regulations, thereby reducing the actual sales price below the applicable minimum price for said coal.

4. By intentionally misrepresenting on invoices the sizes of a total of approximately 18,842.35 tons of coal produced by the Code Member and sold to various purchasers during the period October 25, 1940, through March 31, 1941, inclusive.

5. By unlawfully substituting during the period July 26, 1941, to July 30, 1941, both dates inclusive, a total tonnage of 430.7 tons of 6" lump coal produced by the Code Member on orders for 3" lump coal from the Forrest Products Chemical Company, with the result that the coal actually delivered to the said purchaser was sold at prices less than the applicable minimum prices therefor.

6. By paying to Southwestern Fuel Company, Memphis, Tennessee, unauthorized sales agency commissions ranging from 5 cents to 18.31 cents per ton for sales during the period October 12, 1940 to June 23, 1941, inclusive, by Southwestern Fuel Company, on behalf of the said Code Member, of approximately 7,410.85 tons of coal produced by the Code Member, whereas, neither the Code Member nor the Southwestern Fuel Company had filed with the Division a copy of the contract of agency executed on September 13, 1938.

(D) The amount of tax which should be imposed with respect to the transactions described in paragraph C (1) hereof and required to be paid as a condition precedent to restoration of membership of W. W. Bridges, Receiver, Black Diamond Coal Mining Company in the Code, is $2,411.09.

Now, therefore, on the basis of the above findings and the said admissions and the consent filed by W. W. Bridges, Receiver, Black Diamond Coal Mining Company, pursuant to Section 301.132 of the Rules of Practice and Procedure:

It is ordered, That the aforesaid application of W. W. Bridges, Receiver, Black Diamond Coal Mining Company be and the same hereby is granted; and

It is further ordered, That the aforesaid hearing, heretofore postponed by order dated March 8, 1943, to a time and place to be thereafter designated by appropriate order, be and the same hereby is cancelled.

It is further ordered, That pursuant to section 5 (b) of the Act, the membership of W. W. Bridges, Receiver, Black Diamond Coal Mining Company in the Code be, and the same hereby is, revoked and cancelled, said revocation and cancellation to become effective twenty (20) days from the date hereof; and

It is further ordered, That prior to restoration of W. W. Bridges, Receiver, Black Diamond Coal Mining Company to membership in the Code, there shall be paid to the United States a tax in the amount of $2,411.09 as provided in section 5 (c) of the Act; and

It is further ordered, That upon any restoration to membership in the Code, W. W. Bridges, Receiver, Black Diamond Coal Mining Company, his representatives, servants, agents, officers, employees, attorneys, receivers, and successors or assigns, and all persons acting or claiming to act on his behalf, or in his interest, cease and desist from violating Part II (e) and Part II (i) 6 and 8 of the Code, Rule 1 (F) of section VII, Rule 1 of section X, Rule 2 of section XII, Rule 1 (e) of section XI and Rule 9 (a) of section II, of the Marketing Rules and Regulations, or from otherwise violating the provisions of the Code, or regulations made thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement thereof, or take other appropriate action as authorized by the Act.

Dated: June 11, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9568; Filed, June 14, 1943; 10:53 a. m.]

[Docket No. B-143]

OLD BEN COAL CORPORATION

ORDER RESTORING CODE MEMBERSHIP

A written complaint, dated November 10, 1941, having been filed on November 12, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violations by Old Ben Coal Corporation, a Code Member, Chicago, Illinois, of the Bituminous Coal Act, the Code and rules and regulations made thereunder; and

An order having been issued herein on May 8, 1943, revoking and cancelling the Code membership of the said Old Ben Coal Corporation in the Bituminous Coal Code and providing pursuant to section 5 (c) of the Bituminous Coal Act for the payment to the United States of a tax in the amount of $2,513.47 as a condition precedent to the restoration of said Old Ben Coal Corporation to membership in the Code; and

An order having been issued herein on May 22, 1943, extending the effective date of said order of revocation to June 8, 1943; and

It appearing from communications dated May 24, 1943, and June 3, 1943, from the attorneys for the Code Member, and a communication from the Collector of Internal Revenue, dated June 5, 1943, that the said tax was paid on May 24, 1943;

Now, therefore, it is ordered, That the Code membership of Old Ben Coal Corporation be and the same hereby is restored as of the effective date of the revocation of its Code membership.

Dated: June 11, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9569; Filed, June 14, 1943; 10:54 a. m.]

[Docket No. 36-FD]

VALIER COAL COMPANY

ORDER EXTENDING EFFECTIVE DATE OF DENIAL OF APPLICATION FOR EXEMPTION

An order was issued in this proceeding May 21, 1943, denying the application of Valier Coal Company, a code member in District 10, for exemption, effective fifteen (15) days from the date thereof. Thereafter, on June 4, 1943, Valier Coal Company filed an application requesting that the effective date of the Order denying its application for exemption be extended to July 1, 1943. Applicant alleges that it disposes of all coal produced by it, except coal sold to mine employees, to the Chicago, Burlington & Quincy Railroad Company for railroad locomotive fuel use; that minimum prices for railroad locomotive fuel use have only been established for two sizes of District 10 coals; and that the coal supplied to the railroad company by it falls into various sizes ranging from six to thirteen sizes. Applicant alleges further that it is preparing to request District Board 10 to file a petition with the Division seeking the establishment of minimum prices for railroad locomotive fuel use applicable to its coal in all the sizes sold to Chicago, Burlington & Quincy Railroad Company.

On June 5, 1943, District Board 10 recommended that the application for extension of the effective date of the Order denying exemption be granted.

I believe that a showing justifying such relief has been made and that the third paragraph of the Order denying the application of Valier Coal Company for exemption, dated May 21, 1943, should, accordingly, be amended to read as follows:

It is hereby further ordered, That effective July 1, 1943, the application of Valier Coal Company is denied.

It is so ordered.

Dated June 11, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9570; Filed, June 14, 1943; 10:55 a. m.]

[Docket No. B-279]

SWINDLE COAL COMPANY

MEMORANDUM OPINION AND ORDER TO CEASE AND DESIST

In the matter of F. L. Swindle, doing business under the name and style of Swindle Coal Company, Code Member.

On April 17, 1943, after notice and hearing, Edward J. Hayes, a duly designated Examiner of the Division, submitted a Report in which he found that

code member F. L. Swindle, doing business under the name and style of Swindle Coal Company, operating the Swindle Mine, Mine Index No. 910, located in Winston County, Alabama, in District 13, had wilfully violated sections 4 II (e), 4 II (g) and 4 II (i) 3 of the Act, Rule 1 (J) of section VII and Rule 3 of section XIII of the Marketing Rules and Regulations, by the sale and delivery by rail of 1398.10 net tons of Size Group 23 coal during the period from June 18, 1941 to December 24, 1941 at the price of $3.50 per ton delivered, and prepaid the transportation charges and paid the unloading charges thereon.

The Examiner recommended that an order be entered directing code member to cease and desist from further violations of the Act, the Code and rules and regulations thereunder.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. No exceptions have been filed.

I have considered the Report of the Examiner and I find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law and recommendation set forth in the Report, and upon the entire record in this proceeding,

It is ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and the conclusions of law of the Director.

It is further ordered, That F. L. Swindle, doing business under the name and style of Swindle Coal Company, a code member operating the Swindle Mine, Mine Index No. 910, located in Winston County, Alabama, in District 13, his agents, employees, representatives, successors and assigns, and all persons acting or claiming to act on his behalf or interest, cease and desist from violating the provisions of sections 4 II (e), 4 II (g), and 4 II (i) 3 of the Act, the corresponding sections of the Code, and Rule 1 (J) of section VII and Rule 3 of section XIII of the Marketing Rules and Regulations, or from otherwise violating the provisions of the Act, the Code, or orders, rules and regulations issued thereunder.

Notice is hereby given that upon failure or refusal to comply with this order the Division may apply to a Circuit Court of Appeals of the United States for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: June 11, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9571; Filed, June 14, 1943; 10:55 a. m.]

Bureau of Mines.

JOHN A. WHITNEY

ORDER REVOKING LICENSE AND DIRECTING ITS SURRENDER

To: John A. Whitney, Falmouth Foreside, Maine. Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following Findings of fact:

1. On April 29, 1943, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto of which you were accused, was mailed to you at the above address, and on May 6, 1943, it was delivered to you, giving you notice to mail an answer within 15 days from April 29 answering the charges against you and requesting an oral hearing if you wished.

2. More than 30 days have elapsed since April 29. The length of time required for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Falmouth Foreside, Maine, does not exceed 7 days. The only communication which I have received from you is your answer dated May 10. You have not denied that you have violated the Federal Explosives Act and the regulations thereunder, but you allege that after you were instructed by a Federal explosives investigator you discontinued violating the act and the regulations in certain particulars, although you have not commented on the charge that contrary to section 5 of the act and section 14 (d) of the regulations you failed to keep a complete, itemized and accurate record of your transactions in explosives. Your answer did not include information which you were requested to furnish with respect to the licenses which have been issued to you. You have not requested an oral hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby order:

That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, June 26, 1943:

That prior to midnight June 26, 1943, you shall sell or otherwise dispose of, to properly licensed persons, all explosives and ingredients of explosives owned or possessed by or consigned to you;

That after having disposed of all of the explosives and ingredients as required by the preceding paragraph, you shall, prior to midnight, June 26, 1943, deliver or mail to me at the Interior Building, Washington, D. C., a sworn statement of your transactions in explosives and ingredients beginning with the date of this order and ending with the final disposition of all explosives and ingredients as required above. The statement shall set forth the amount of each kind of explosives or ingredients which you had on hand at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, and the names and addresses of the persons from whom acquired, the amount of each kind sold or otherwise disposed of by you, the dates on which disposed of and the names, addresses and Federal explosives license numbers and dates of the persons to whom disposed of;

That prior to midnight, June 26, 1943, you shall surrender all licenses issued to you under the Federal Explosives Act and all certified and photographic copies thereof by delivering or mailing them to me at the Interior Building, Washington, D. C.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

R. R. SAYERS,
Director.

JUNE 5, 1943.

[F. R. Doc. 43-9519; Filed, June 12, 1943; 10:12 a. m.]

DEPARTMENT OF AGRICULTURE.

War Food Administration.

WAGES AND PRICES FOR 1943-44 MAINLAND SUGARCANE CROP

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Pub. Law 414, 75th Congress), as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, notice is heerby given that public hearings will be held as follows:

At Baton Rouge, Louisiana, in the Agricultural Auditorium, LSU Campus, on June 22, 1943 at 9:30 a. m.: at New Iberia, Louisiana, in the New Iberia High School Gymnasium, on June 24, 1943, at 9:30 a. m.; at Clewiston, Florida, in the Clewiston High School Auditorium, on June 30, 1943, at 9:00 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the War Food Administrator in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wages for persons employed in the mainland cane sugar area in the harvesting of sugarcane during the period from September 1, 1943, to June 30, 1944, and the planting and cultivating of sugarcane during the calendar year 1944 on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1943 crop of sugarcane to be paid, under either purchase or toll agreements, by processors, who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the War Food Administrator in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane and with respect to the terms and conditions of contracts between laborers and producers of sugarcane.

Joshua Bernhardt, Charles M. Nicholson, Harry H. Simpson, and Earle T. MacHardy are hereby designated as presiding

officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C. this 10th day of June 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9484; Filed, June 11, 1943; 11:45 a. m.]

JESSE W. TAPP

DELEGATION OF AUTHORITY WITH RESPECT TO REQUISITIONING OF PROPERTY

By virtue of the authority vested in the War Food Administrator by Executive Order 9280 of December 5, 1942, and Executive Order 9322 of March 26, 1943, as amended by Executive Order 9334 of April 19, 1943, I, Chester C. Davis, War Food Administrator, hereby delegate to Jesse W. Tapp, Associate War Food Administrator, the authority to requisition property pursuant to the Act of October 10, 1940, as amended, and the Act of October 16, 1941, as amended, and authority to exercise all the powers exercisable by the Requisitioning Authority and the War Food Administrator under War Food Regulation No. 1, *supra*, and the powers derived from Executive Order 8942, as amended, and vested in me by Executive Order 9334, and by the regulations under the Requisitioning Acts issued by the War Production Board on July 24, 1942 (7 F.R. 5746), except that Jesse W. Tapp, Associate War Food Administrator, shall not have the power or authority to requisition and dispose of idle farm machinery, such power and authority having heretofore been delegated by me to the State USDA war board chairmen on May 28, 1943 (8 F.R. 7120). Jesse W. Tapp, Associate War Food Administrator, is authorized to delegate any and all of the functions, responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint.

Issued this 10th day of June, 1943.

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9480; Filed, June 11, 1943; 11:45 a. m.]

ROY F. HENDRICKSON

DELEGATION OF AUTHORITY WITH RESPECT TO THE REQUISITIONING OF PROPERTY

By virtue of the authority vested in me by delegation of authority from the War Food Administrator dated June 10, 1943 (*supra*), I hereby delegate to Roy F. Hendrickson, Director of Food Distribution, the authority to requisition property pursuant to the Act of October 10, 1940, as amended, and the Act of October 16, 1941, as amended, and authority to exercise all the powers exercisable by the Requisitioning Authority and the War Food Administrator under War Food Regulation No. 1 (*supra*) and the powers derived from Executive Order 8942, as amended, and vested in the War Food Administrator by Executive Order 9334, and by the regulations under the Requisitioning Acts issued by the War Production Board on July 24, 1942 (7 F.R. 5746), except that Roy F. Hendrickson, Director of Food Distribution, shall not have the power or authority to requisition and dispose of idle farm machinery, such power and authority having heretofore been delegated by the War Food Administrator to the State USDA war board chairman on May 28, 1943 (8 F.R. 7120): *Provided*, That he is not authorized to approve or disapprove proposals under § 1598.3 of War Food Regulation No. 1, to submit proposals to the Chairman of the War Production Board under § 902.2 of the regulations under the Requisitioning Acts issued by the War Production Board, or to make the determinations required by law prerequisite to the requisitioning of property. Roy F. Hendrickson, Director of Food Distribution, is authorized to delegate any and all of the responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint.

Issued this 10th day of June 1943.

JESSE W. TAPP,
Associate War Food Administrator.

[F. R. Doc. 43-9481; Filed, June 11, 1943; 11:45 a. m.]

RALPH W. OLMSTEAD

DELEGATION OF AUTHORITY WITH RESPECT TO THE REQUISITIONING OF PROPERTY

By virtue of the authority vested in me by delegation of authority from the Associate War Food Administrator dated June 10, 1942 (*supra*), I hereby delegate to Ralph W. Olmstead, Deputy Director of Food Distribution, all of the authority and power vested in me with respect to the requisitioning of property. Ralph W. Olmstead, Deputy Director of Food Distribution is authorized to delegate any and all functions, responsibilities, powers, authorities, or discretions hereby conferred upon him to such persons within the War Food Administration as he may designate or appoint.

Issued this 11th day of June 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-9552; Filed June 12, 1943; 4:44 p. m.]

THOMAS J. FLAVIN

DELEGATION OF AUTHORITY TO PERFORM REGULATORY FUNCTIONS

1. Pursuant to the provisions of the act approved April 4, 1940 (54 Stat. 81; 5 U.S.C. 1940 ed. 516a-516e), and by virtue of the authority vested in the War Food Administrator by Executive Order 9334, dated April 19, 1943 (8 F.R. 5423), Thomas J. Flavin is authorized to perform any regulatory function, as defined in said act of April 4, 1940, which the Secretary of Agriculture or the War Food Administrator now is or hereafter may be authorized or required by law to perform.

2. The provisions of this order shall not affect the authority of the Secretary of Agriculture to perform any regulatory function which now is or hereafter may be vested in him, and shall not affect the authority of the Under Secretary or of the Assistant Secretary of Agriculture, by virtue of any delegation of authority heretofore or hereafter made by the Secretary of Agriculture to either the Under Secretary or the Assistant Secretary, to perform any such function.

3. The provisions of this order shall not affect the authority of the War Food Administrator to perform any regulatory function which now is or hereafter may be vested in the War Food Administrator.

4. The provisions of this order shall not be construed to limit the authority of Thomas J. Flavin to perform any functions, in addition to those defined in the said act of April 4, 1940, which have been or from time to time hereafter may be assigned by the Secretary of Agriculture or the War Food Administrator to him.

5. When performing any regulatory function which now is or hereafter may be vested in the Secretary of Agriculture, Thomas J. Flavin shall act as Assistant to the Secretary of Agriculture. When performing any regulatory function which now is or hereafter may be vested in the War Food Administrator, Thomas J. Flavin shall act as Assistant to the War Food Administrator.

Done at Washington, D. C., this 12th day of June 1943.

CLAUDE R. WICKARD,
Secretary of Agriculture.
CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9553; Filed, June 12, 1943; 4:44 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F. R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6. F. R. 2466), as amended by Administrative Order March 13, 1943 (8 F. R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F. R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F. R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulation, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Easton Trouser Company, Pine and Elder Streets, Easton, Pennsylvania; Men's trousers; five percent (T); effective June 12, 1943 expiring June 12, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Esskay Manufacturing Company, 303 Main Street, Fredericksburg, Texas; Outergarments of cotton and rayon; 40 learners (E); effective June 14, 1943 expiring December 14, 1943.

Mrs. R. Gebel, Homemade Apron Company, 342 N. Water Street, Milwaukee, Wisconsin; Aprons, stamped goods; 6 learners (T); effective June 14, 1943, expiring June 14, 1944.

Jay-Gee Manufacturing Company, 217 South 5th Street, Perkasie, Pennsylvania; Skirts, slacks, suits; 10 learners (T); effective June 12, 1943, expiring June 12, 1944.

S. Liebovitz & Sons, Inc., Fredericksburg, Pennsylvania; Men's and boys' sport jackets; 10 learners (T); effective June 23, 1943, expiring June 23, 1944.

Malo-Maid Manufacturing Company, 407 E. Pico Street, Los Angeles, California; Cotton ladies work garments; 5 learners (T); effective June 11, 1943, expiring June 11, 1944.

New York Faultless Pants Corporation, 420 Pine Street, Scranton, Pennsylvania; Pants; ten percent (T); effective June 10, 1943, expiring June 10, 1944.

Pearlwear Company, Inc., 811 W. Columbia Avenue, Philadelphia, Pennsylvania; Ladies' dresses; five learners (T); effective June 14, 1943, expiring June 14, 1944.

Randles Manufacturing Company, Caroline Street, Ogdensburg, New York; Women's industrial uniforms, nurses and hospital garments; 10 learners (T); effective June 12, 1943, expiring June 12, 1944.

William Rifkin & Sons, 324 Market Street, Philadelphia, Pennsylvania; Lingerie; 10 learners (T); effective June 11, 1943, expiring June 11, 1944.

H. A. Satin & Company, Inc., 311 North Desplaines Street, Chicago, Illinois; Cotton house dresses and kindred garments; ten percent (T); effective June 12, 1943, expiring June 12, 1944.

Schaffer Contract Manufacturing Company, 20 Wooster Street, New Haven, Connecticut; Ladies' underwear; ten percent (T); effective June 16, 1943, expiring June 16, 1944.

Southeastern Shirt Company, LaFollette, Tennessee; Dress shirts; ten percent (A. T.); effective June 14, 1943, expiring January 18, 1944.

Woolrich Woolen Mills, Woolrich, Pennsylvania; Woolen garments; 10 learners (T); effective June 14, 1943, expiring June 14, 1944.

Gloves Industry

Consolidated Glove Corporation, 121 Catherine Street, Malone, New York; Work gloves; 75 learners (E); effective June 14, 1943, expiring December 14, 1943.

Galena Glove & Mitten Company, 430 Garfield Avenue, Dubuque, Iowa; Work gloves; 10 learners (A. T.); effective June 10, 1943, expiring June 10, 1944.

Wells Lamont Smith Corporation, McMinnville, Oregon; Work gloves; ten percent (A. T.); effective June 14, 1943, expiring December 14, 1943. (This certificate replaces the one you now have effective October 5, 1942 and expiring October 5, 1943.)

Hosiery Industry

Union Manufacturing Company, Union Point, Georgia; Seamless hosiery; 50 learners (A. T.); effective June 14, 1943, expiring February 1, 1944. (This certificate replaces the one you now have effective April 26, 1943, and which expires on October 26, 1943.)

Textile Industry

Columbus Manufacturing Company, 3200 First Avenue, Columbus, Georgia; Cotton yarn; five percent (A. T.); effective June 14, 1943, expiring December 14, 1943.

The Daisie Ribbon Company, Front & Saucon Streets, Hellertown, Pennsylvania; Rayon and cotton narrow fabrics; 3 learners (T); effective June 23, 1943, expiring June 23, 1944.

Signed at New York, N. Y., this 12th day of June 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-9555; Filed, June 14, 1943; 9:20 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective June 14, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Empire Embroidery, 1027 Race Street, Philadelphia, Pennsylvania; Embroidery on Women's apparel; 2 learners (T); 240 hours for Spannerhelper at 30¢ per hour until December 14, 1943.

Signed at New York, N. Y., this 12th day of June 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-9556; Filed, June 14, 1943; 9:20 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6518]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC)

ORDER FOR HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of June, 1943;

The Commission having under further consideration the application of City of New York Municipal Broadcasting System (WNYC) for Special Service Authorization (File No. B1-SSA-52), which was by the Commission's Order dated June 1, 1943, designated for hearing;

It is ordered, That the hearing heretofore ordered upon said application be held before Clifford J. Durr, Commissioner, at 10 o'clock a. m. on July 12, 1943, at the offices of the Commission, upon the following issues:

1. To determine the extent of any interference which would result from the

simultaneous operation of Station WNYC as proposed in its application (B1–SSA–52), and Station WCCO, Minneapolis, Minnesota.

2. To determine the areas and populations which would be expected to lose primary or secondary service, particularly from Station WCCO should Station WNYC operate as proposed and what other broadcast services (primary or secondary) are available to these areas and populations.

3. To determine the areas and populations which would be expected to gain primary service should Station WNYC operate as proposed and what other broadcast services are available to these areas and populations.

4. To determine whether Station WNYC should be authorized to operate on the frequency 830 kc. as proposed.

5. To determine whether, in view of the evidence adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

By the Federal Communications Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43–9584; Filed, June 14, 1943; 11:45 a. m.]

[Docket No. 6521]

FRANK FALKNOR, ET AL.

NOTICE OF HEARING

In re application of Frank Falknor and Rex Schepp, Transferors, and Donald Flamm, Transferee; dated February 10, 1943, for transfer of Control of North Jersey Broadcasting Company, Incorporated, licensee of Radio Station WPAT; class of service, broadcast; class of station, broadcast; location, Paterson, New Jersey; operating assignment specified: Frequency, 930 kc.; Power, 1 kw day; Hours of Operation Daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the proposed transferee to control the licensee of Station WPAT.

2. To obtain full information with respect to the proposed acquisition of control over WPAT by Donald Flamm, including the reasons and purposes for the making of the separate contracts as to the purchase of 196 shares and subsequently the acquisition of four shares from transferors; the contractual and other relationships and arrangements between Flamm and other stockholders and/or officials of licensee.

3. To determine the manner in which the station would be programed, managed and otherwise operated under the control of the proposed transferee, including the personnel to be employed and the duties to be performed by each.

4. To obtain full information with respect to any changes in the licensee corporation, its officers, employees, and otherwise, and with respect to any changes in the operation of Station WPAT, and the management of the station subsequent to the original negotiations between Flamm and transferors.

5. To determine whether control of the licensee of Station WPAT has been transferred within the purview of the provisions of section 310 (b) of the Communications Act of 1934, as amended, without consent of the Commission.

6. To determine whether, in view of the facts shown under the foregoing issues a grant of the application would be in the public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

Notices and communications with respect to this application are to be addressed to the following named persons at the address indicated: Colin C. Ives, Attorney, Care of Leve, Hecht & Hadfield, 50 Broadway, New York, N. Y.

Dated at Washington, D. C., June 10, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43–9585; Filed, June 14, 1943; 11:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–472]

EL PASO NATURAL GAS COMPANY

NOTICE OF APPLICATION

JUNE 12, 1943.

Notice is hereby given that on June 2, 1943, the El Paso Natural Gas Company filed an application with the Federal Power Commission for a certificate of public convenience and necessity under section 7 (e) of the Natural Gas Act as amended. The application requests authorization to construct two loop lines parallel to the existing lines of the applicant in order to increase the capacity of a portion of the company's system to meet anticipated increased demands for natural gas of the Phelps Dodge Corporation at Morenci, Arizona.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 30th day of June, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 43–9558; Filed, June 14, 1943; 10:06 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4945]

WINTERINE MANUFACTURING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 28, 1943, at ten o'clock in the forenoon of that day (Mountain Standard Time), in Court of Appeals Court Room, Post Office Building, Denver, Colorado.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 43–9530; Filed, June 12, 1943; 11:59 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 6 Under Service Order 123]

ILLINOIS CENTRAL RAILROAD CO.

ORDER GRANTING PERMISSION FOR ICING REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Illinois Central Railroad Company to reice once in transit after the first or initial icing IC 58914 containing 175 sacks of potatoes and 400 hampers of beans, more or less, from Easterly Brothers, Denham Springs, Louisiana, to M. Lapidus and Sons, Chicago, Illinois.

The bill of lading and way bill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 11th day of June 1943.

HOMER C. KING,
Director.

[F. R. Doc. 43-9524; Filed, June 12, 1943; 10:41 a. m.]

[Special Permit 7 Under Service Order 123]

MISSOURI PACIFIC RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

ORDER GRANTING PERMISSION FOR ICING REFRIGERATOR CARS

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Either the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) or the Illinois Central Railroad Company, but not both, to reice once in transit after the first or initial icing ART 72195 containing 276 sacks of potatoes and 72 bushels or baskets of beans, more or less, from Hope, Arkansas, to M. W. Frissell Company, Chicago, Illinois.

The bill of lading and way bill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 11th day of June 1943.

HOMER C. KING,
Director.

[F. R. Doc. 43-9525; Filed, June 12, 1943; 10:41 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

TRANSPORTATION AND DELIVERY OF FLOWERS IN COLUMBUS, OHIO

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order isued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 6968), G. A. Ackerman Floral Co., and 47 others, listed in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicles of flowers and related articles in Columbus, Ohio.

Duplicate and parallel transportation services in connection with florist establishments in Columbus resulted in considerable wasteful operation of motor vehicles. Of the 51 florists in the city, 48 have agreed to the proposed plan, although all were invited to participate. Under the plan, which has been in operation since February 27, 1943, the city is zoned by the participants, acting in association, through an elected governing body or manager. The association makes contracts with independent motor carriers whereunder each such carrier is to collect and deliver shipments in a single designated zone. Inter-zone shipments are to be exchanged among the several carriers at a central interchange point. Participants order collection and delivery of shipments by means of specially designed stamps purchasable from the association. The stamps are issued by participants to the respective carriers, who are paid periodically by the association in accordance with the number of deliveries made as evidenced by such stamps. Participants are to continue the use of their own vehicles for delivery of some capacity loads and to supplement deliveries by the contract carriers during certain holiday periods. It is estimated that operation under the plan will save approximately 16,250 truck-miles a month. Allocation of business or division of territories between or among participants is not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 8th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX A

1. G. A. Ackerman Floral Co.
2. Lulu Bell Flower Shop.
3. Bexley Floral Co.
4. Block's University Flower Shop.
5. Brust Florist.
6. R. J. Claprood Co.
7. Claprood & Markan.
8. Close-In Gardens.
9. Columbus Cut Flower Exchange.
10. R. R. Connell.
11. Cottage Rose Garden.
12. Evans Floral Shop.
13. Walter Engel.
14. Fifth Ave. Floral Co.
15. The Flower Cart.
16. The Franklin Park Floral Co.
17. Hedges The Florist.
18. Helm Florists.
19. Hill Floral Products Co. of Ohio.
20. C. W. Huber.
21. Indianola Florists.
22. Katona's Floral Shop.
23. Linden Florists.
24. McKnights Flower Shop.
25. C. Metzmaier Florist.
26. Moby's Flower Shop.
27. Ohio State University.
28. Oliver's Flower Shop.
29. Peacock Row Flowers.
30. Perrin's Flowers.
31. Premier Floral Comp.
32. Rainbow Flower Shop.
33. Riverside Floral.
34. Rosebud Floral Co.
35. June Schaaf Flowers.
36. Smith & Young Co.
37. Viola Stember Florist
38. Stephens Flowers
39. Tucker Orchids & Flowers.
40. Underwood & Bates Florist.
41. Underwood Flowers, Inc.
42. University Flower Shop.
43. Walker's Flowers, Inc.
44. Whiteacre Bros.
45. Inez B. Williams Flowers.
46. Wilson's Greenhouse.
47. Wilson Seed & Floral Co.
48. Yost Florist.

[F. R. Doc. 43-9505; Filed, June 12, 1943; 9:41 a. m.]

TRANSPORTATION AND DELIVERY OF LAUNDRY AND DRY CLEANING WORK IN CLEVELAND AND CUYAHOGA COUNTY, OHIO

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 6968), Armstrong Laundry, City Laundry Company, Factory Laundry Service, Inc., Famous Laundry Company, The Grand Laundry, The Ideal Sanitary Laundry Company, Jaybees Laundry, The Modern Laundry & Cleaning Co. and Sweet Clean Laundry & Dry Cleaning Company, of Cleveland or Cuyahoga County, Ohio, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of laundry and dry cleaning work in Cleveland and Cuyahoga County.

The participants in the plan propose to eliminate wasteful operations in the pick-up and delivery of laundry and dry cleaning by reducing the frequency of such services. All special deliveries and call-backs are to be discontinued. In lieu of daily pick-ups and deliveries, commercial customers, as well as branch laundry stores and agencies, will be served only when full truckloads can be picked up and delivered. Household customers are to be limited to but one pick-up and delivery a week and, wherever possible and practicable, to a single stop each week or 2 weeks. Household customers will be urged to send minimum bundles of 18 pounds. Smaller bundles, and all laundry of scattered

customers in outlying areas, are to be handled, with customer's consent, by the truck of the participant which can make the pick-up or delivery with the least additional mileage. The participants agree that neither they nor their commission agents will pick up or deliver any laundry or dry cleaning for a household customer who has been so served by one of them within the preceding 7-day period. The participants estimate that effectuation of the plan will result in savings of approximately 40 percent or 255,000 truck-miles a year, based on their 1941 experiences.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 9th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-9504; Filed, June 12, 1943; 9:41 a. m.]

TRANSPORTATION AND DELIVERY OF DAIRY PRODUCTS IN ROCHESTER, N. Y. AREA

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 6968), Bartholomay Dairy, Inc., and 60 other dairies named in Appendix A hereto, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery of dairy products in Rochester, New York, and neighboring municipalities.

The participants in the plan are engaged in the sale at retail, and delivery in their own trucks, of milk and other dairy products in Rochester, New York, and the neighboring towns of Brighton, Chili, Gates, Greece, Henrietta, Irondequoit, Ogden, Parma, Penfield, Perinton, Pittsford, Riga, and Webster. They propose to eliminate wasteful operations in the transportation and delivery of dairy products by limiting retail deliveries to an every-other-day basis. They agree not to deliver any dairy products to a retail customer who has been so served by one of them within the preceding 48-hour period. The participants estimate that effectuation of the plan will result in savings of approximately 130,000 truck-miles a year.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 10th day of June 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX A

Name and address

1. Avon Dairies, Inc., Avon, New York.
2. Bartholomay Dairy, Inc., Rochester, New York.
3. Bittker Dairy Prod., Inc., Rochester, New York.
4. Blue Boy Dairy, Rochester, New York.
5. Bonnybrook Dairy Co., Rochester, New York.
6. R. A. Booth, Rochester, New York.
7. Brahler Milk Co., Penfield, New York.
8. Briggs Milk Co., Rochester, New York.
9. Brighton Place Dairy, Rochester, New York.
10. Brookdale Farms, Rochester, New York.
11. Community Dairy Co., Rochester, New York.
12. Crystal Dairy, Rochester, New York.
13. Dairy Maid Milk, Rochester, New York.
14. Darling Dairy, Rochester, New York.
15. Darushefsky Creamery, Rochester, New York.
16. Decker Dairy, Rochester, New York.
17. W. W. Dixon, Rochester, New York.
18. Efficiency Dairies, Rochester, New York.
19. Flower City Dairy, Rochester, New York.
20. Genesee Milk Co., Rochester, New York.
21. Gentle's Dairy, Rochester, New York.
22. Good Health Dairy, Rochester, New York.
23. Arthur J. Hack Star Dairy, Rochester, New York.
24. Halcyon Dairy, Rochester, New York.
25. Clarence W. Harloff, Fairport, New York.
26. Highland Dairy Co., Rochester, New York.
27. Hilltop Farm Dairy, Churchville, New York.
28. Honeydale Dairy, Rochester, New York.
29. William Hugelmaier, Rochester, New York.
30. Hudson Dairy Co., Rochester, New York.
31. J. B. James, Rochester, New York.
32. Arthur Kalsbech, Henrietta, New York.
33. Morris Keiser, Rochester, New York.
34. Kunzer-Ellinwood, Rochester, New York.
35. Liberty Dairy Co., Rochester, New York.
36. Mackenzie Bros., Rochester, New York.
37. Maple Leaf Dairies, Inc., Rochester, New York.
38. Masseth Dairy, Rochester, New York.
39. Martin T. May, Rochester, New York.
40. Meisenzahl Dairy, Rochester, New York.
41. Moores Dairy, Rochester, New York.
42. Nakoma Farms Dairy, Rochester, New York.
43. Andrew Padula, Rochester, New York.
44. Parkside Dairy, East Rochester, New York.
45. Paskal Dairy, Rochester, New York.
46. Pat's Dairy, Rochester, New York.
47. R. J. Peters, Rochester, New York.
48. Plymouth Dairy Inc., Rochester, New York.
49. John Radel, Rochester, New York.
50. Rath Bros. Dairy, Pittsford, New York.
51. A. J. Schriner, Rochester, New York.
52. Seneca Dairy, Rochester, New York.
53. Stanley M. Smith, Hilton, New York.
54. Anthony Spiotti, Rochester, New York.
55. Sunny Farm Dairy, Inc., Rochester, New York.
56. Superior Milk Co., Inc., Rochester, New York.
57. Weber's Dairy, Rochester, New York.
58. Edward I. Wegman, Rochester, New York.
59. White Oak Dairy, Rochester, New York.
60. Woodworth Dairy, Inc., Rochester, New York.
61. Martin W. Wuest, Rochester, New York.

[F. R. Doc. 43-9503; Filed, June 12, 1943; 9:41 a. m.]

TRANSPORTATION AND DELIVERY OF FLOWERS IN DETROIT, MICH. AREA

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 6968), Henry Forster, Inc., Original Little Flower Shop, Inc., and Adam Besemer, doing business as Adams Flower Shop, all of Detroit, Michigan, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in the Detroit metropolitan area.

In connection with their businesses as florists, two of the participants operate four trucks each, and the third operates three trucks, making deliveries of flowers and related articles in the Detroit metropolitan area. They propose to eliminate waste of transportation equipment by pooling their deliveries and utilizing therefor the services of a single for-hire carrier. Each participant contemplates retaining only one truck for use during seasonal peak periods, which will permit the retirement of eight of their trucks from this service. They estimate that effectuation of the plan will result in savings to them of 135,205 truck-miles a year. The chosen for-hire carrier will be able to make these deliveries with fewer trucks and by operating considerably fewer truck-miles. Other florists similarly situated are invited to join the plan upon conditions mutually agreeable. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or

thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 10th day of June 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-9502; Filed, June 12, 1943; 9:42 a. m.]

Chapter XI—Office of Price Administration

[Order 34 Under Rev. MPR 169]

SWIFT AND COMPANY, ET AL.

DENYING APPLICATIONS FOR ADJUSTMENT

Order No. 34 under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

In the matter of Swift and Company, Docket No. 3169-369; The Wm. Schluderberg-T. J. Kurdle Co., Docket No. 3169-481; Cudahy Brothers Company, Docket No. 3169-482; Armour and Company, Docket No. 3169-483-484; Swift and Company, Docket No. 3169-485-487; Cudahy Brothers Company, Docket No. 3169-488; The Wm. Schluderberg-T. J. Kurdle Co., Docket No. 3169-489; Neuhoff's Incorporated, Docket No. 3169-490; Armour and Company, Docket No. 3169-491-493; Kroger Grocery & Baking Co., Docket No. 3169-494-507; Swift and Company, Docket No. 3169-508-510; American Packing & Provision Co., Docket No. 3169-511; Kingan & Company, Docket No. 3169-512-529; The Kroger Grocery & Baking Company, Docket No. 3169-530-538; Armour and Company, Docket No. 3169-539; Mission Provision Company, Docket No. 3169-540; Armour and Company, Docket No. 3169-541; The Kroger Grocery & Baking Company, Docket No. 3169-542-559; The Wm. Schluderberg-T. J. Kurdle Co., Docket No. 3169-560-561; Swift & Company, Docket No. 3169-562-563; Cudahy Brothers Co., Docket No. 3169-564-565; The Wm. Schluderberg-T. J. Kurdle Co., Docket No. 3169-566; Armour and Company, Docket No. 3169-578-580; Swift and Company, Docket No. 3169-581; Cudahy Brothers Company, Docket No. 3169-582-585; applicants.

On or before May 13, 1943, Swift and Company, Union Stock Yards, Chicago, Illinois, The Wm. Schluderberg-T. J. Kurdle Co., 3800 E. Baltimore Street, Baltimore, Md.; Cudahy Brothers Company, Cudahy, Wisconsin; Armour and Company, Union Stock Yards, Chicago, Illinois; Neuhoff's Incorporated, Salem, Virginia; The Kroger Grocery and Baking Company, 36th & L Streets, Omaha, Nebraska; American Packing & Provision Co., 390 West Exchange Street, Ogden, Utah; Kingan & Co., Indianapolis, Indiana and Mission Provision Company, San Antonio, Texas, filed separate applications for adjustment of maximum prices established under Revised Maximum Price Regulation No. 169, as amended, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that the several applications for adjustment be disposed of together. Due consideration has been given to the applications for adjustment and to each of them, and an opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration, *It is ordered:*

(a) That the foregoing applications for adjustment and each of them be, and they hereby are, denied in whole;

(b) That each applicant who has received payment for any beef carcass or wholesale cut at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price applicable to the sale of such beef carcass or wholesale cut at the time of such sale under Revised Maximum Price Regulation No. 169.

(c) This Order No. 34 shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9532; Filed, June 12, 1943; 2:33 p. m.]

[Order 36 Under MPR 152]

CANNERS OF CUCUMBER PICKLES

AUTHORIZATION FOR ADJUSTMENT OF PRICES

Order No. 36 under MPR 152—Canned Vegetables.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1341.22 b, *It is ordered:*

(a) Canners are authorized to sell and deliver canned fresh cucumber pickles under an agreement with the buyer in each case to adjust the selling price to conform with maximum prices to be established by the Office of Price Administration for the 1943 pack.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9550; Filed, June 12, 1943; 4:25 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-735]

CONSUMERS GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of June 1943.

Notice is hereby given that a declaration or application, or both, has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, no later than June 24, 1943, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (A) and U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission for a statement of the transaction therein proposed, which is summarized below.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company and in turn a subsidiary of The United Corporation, also a registered holding company, proposes to purchase from non-affiliated interests, from time to time within one year from the date of this Commission's approval, as shares may become available for purchase, not to exceed 800 shares of the Capital Stock of Reading Gas Company, at prices which will yield a favorable return on the funds so invested as contrasted with other available investments. Applicant states that the stock is not actively traded in and according to published quotations, the over-the-counter bid and asked prices during a four-year period (1940-1943) ranged from 58 to 66. The acquisition of the outstanding shares of stock of Reading Gas Company by Consumers Gas Company has been approved by the Public Utilities Commission of the State of Pennsylvania.

Consumers Gas Company presently owns 1,692 shares of the 12,000 presently outstanding shares of stock of Reading Gas Company, having acquired them between March 1935 and November 1941 at an average cost of $53.75 per share. All the property of Reading Gas Company is operated by Consumers Gas Company under a 99-year lease, expiring November 1, 1985, at an annual rental of $36,500. Upon expiration of the lease, Consumers Gas Company is required to surrender the property, together with all improvements, additions and extensions without compensation, or, at its option, may purchase the property and franchises of Reading Gas Company for $600,000. Consumers Gas Company proposes to acquire the additional shares as an investment for its Special Reserve Fund created in 1934, to provide for the exercise of the option to purchase Reading Gas Company's property and franchises.

The application indicates that at December 31, 1942, the fund amounted to $144,450.04, consisting of 1,692 shares of Reading Gas Company Common Stock, acquired at a cost of $91,009.25 and United States Treasury Bonds, cash, accrued interest and dividends of $53,530.79.

Section 10 of the Act is designated as applicable to the proposed acquisitions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-9513; Filed, June 12, 1943; 10:12 a. m.]

[File No. 59-10]

THE NORTH AMERICAN COMPANY, ET AL.

ORDER GRANTING ILLINOIS IOWA POWER COMPANY AN EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of June 1943.

The Commission having by an order dated April 14, 1942, entered in the above styled and numbered matter pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed that Illinois Iowa Power Company, a registered holding company and one of the respondents in said matter, sever its relationship with Des Moines Electric Light Company, Iowa Power and Light Company, Illinois Terminal Railroad Company, Central Terminal Company and St. Louis Electric Terminal Railway Company by disposing of its direct and indirect ownership, control and holdings of securities issued and properties owned, controlled or operated by said companies, and cease to engage in the water, ice, oil drilling and transportation businesses and to own or operate the properties connected therewith; and having by the terms of said order reserved jurisdiction to enter such further orders as it might deem necessary or appropriate; and

The respondent, Illinois Iowa Power Company, having filed an application pursuant to section 11 (c) of said Act for an extension of time for a period of one year within which to comply with said order of April 14, 1942; and

The Commission having found that Illinois Iowa Power Company has been unable in the exercise of due diligence to comply with said order within the initial statutory period of one year from the date thereof, and that the requested extension of time is necessary and appropriate in the public interest and for the protection of investors;

It is ordered, That Illinois Iowa Power Company be and it is hereby granted an additional period of one year from April 14, 1943 within which to comply with said order of April 14, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-9511; Filed, June 12, 1943; 10:12 a. m.]

[File No. 70-716]

TEXAS GENERAL UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of June 1943.

Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Texas General Utilities Company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a), 10, 12 (b), 12 (c), and 12 (f) thereof, regarding the acquisition by Associated Electric Company of all the assets of Texas General Utilities Company, subject to its liabilities, upon the surrender for cancellation of all the outstanding securities of, and claims against, Texas General Utilities Company; said application-declaration concerning the delivery, among other assets, to Associated Electric Company, of 30 shares of common capital stock, $1 par value, of Atlantic Utility Service Corporation, and further concerning the dissolution of Texas General Utilities Company; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion therein;

It is ordered, That pursuant to the applicable provisions of said Act, the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-9512; Filed, June 12, 1943; 10:12 a. m.]

[File No. 70-727]

OGDEN CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of June, A. D. 1943.

Ogden Corporation, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 of the Rules and Regulations promulgated thereunder, with respect to the payment out of surplus of May 31, 1943 of a dividend on its common stock at the rate of 75¢ per share, payable on June 28, 1943, to holders of record at the close of business on June 14, 1943; said proposed dividend payment aggregating $2,552,789.15 and being out of earned surplus to the extent of such surplus and the remainder out of capital surplus, the earned surplus and capital surplus of Ogden Corporation as of April 30, 1943 aggregating $1,267,036.98 and $4,526,214.04, respectively; the dividend checks are to be accompanied by a statement of the source of the dividend payment;

Said declaration having been filed May 27, 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

Said declarant having requested that the effective date of said declaration be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to section 12 (c) and Rule U-46 promulgated thereunder to become effective;

The Commission being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 that the said declaration be and it hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-9561; Filed, June 14, 1943; 10:06 a. m.]

[File No. 70-730]

OGDEN CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of June, A. D. 1943.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Ogden Corporation, a registered holding company. All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Ogden Corporation proposes to acquire from The North American Company, also a registered holding company, 3,336 shares of the common stock of Laclede Power & Light Company, a subsidiary of Ogden Corporation, for $330,000 in cash. Laclede Power & Light has outstanding 35,993 shares of common stock, of which Ogden Corporation owns 32,391 shares; North American owns 3,336 shares, and the remaining 266 shares are owned among approximately forty small holders. The proposed ac-

quisition is stated to be for the purpose of facilitating the consummation of the plan of reorganization of The Laclede Gas Light Company, which plan provides, in part, for the sale of the electric utility assets operated by Laclede Power & Light Company to Union Electric Company of Missouri and the dissolution of Laclede Power & Light Company. This plan is the subject of separate proceedings before the Commission (54–39).

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on said application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 24th day of June at 10:00 a. m. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said application, particular attention will be directed at the hearing to the following questions:

(1) Whether the proposed transaction is detrimental to the public interest and the interests of investors and consumers;

(2) Whether the consideration for the 3,336 shares of common stock of Laclede Power & Light Company is fair and equitable;

(3) Whether the proposed transaction has the tendency required by section 10 (c) (2) of the Act, and

(4) Whether, if the proposed transaction is approved by the Commission, it is necessary and appropriate to impose terms and conditions in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Ogden Corporation and to the Public Service Commission of the State of Missouri; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of this Commission, on or before June 20, 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–9562; Filed, June 14, 1943; 10:07 a. m.]

[File No. 70–734]

EAST MISSOURI POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of June, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by East Missouri Power Company, a subsidiary of Arkansas-Missouri Power Corporation, a registered holding company.

Notice is further given that any interested person may, not later than June 22, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application and declaration, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U–100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration and application which is on file in the office of the Commission, for a statement of the transaction therein proposed, which are summarized below:

East Missouri Power Company proposes to redeem, pay and retire, on or before July 1, 1943 all outstanding shares of its 7% cumulative Preferred Stock consisting of 850 shares, par value $100 per share, at the redemption price thereof, amounting to $105 per share plus the amount of all accrued and unpaid dividends thereon to said date of redemption, such redemption to be made at the office of St. Louis Union Trust Company, St. Louis, Missouri, upon surrender for cancellation in proper form of the certificates representing such shares.

In order to provide part of the funds necessary to effect the redemption of said shares, Arkansas-Missouri Power Corporation, the parent and owner of all of the outstanding shares of common stock of East Missouri Power Company, has loaned the latter company the sum of $50,000 as an open account advance, without interest. The proceeds of such advance will be used by East Missouri Power Company, together with requisite treasury funds, to effect the redemption and payment of all its preferred stock as above set forth.

The company has requested the Commission to accelerate the date of effectiveness or granting of the declaration or application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–9563; Filed, June 14, 1943; 10:07 a. m.]

[File No. 1–2685]

UPSON-WALTON COMPANY

ORDER GRANTING APPLICATION OF ISSUER FOR WITHDRAWAL FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commisison, held at its office in the City of Philadelphia, Pa., on the 12th day of June, A. D. 1943.

Upson-Walton Company, having made application to the Commission pursuant to section 12 (d) of the Securities Exchange Act of 1934 to withdraw its $1 par value common stock from listing and registration on the Cleveland Stock Exchange; and

A hearing having been held on said application, after appropriate notice, and the Commission being fully advised and having this day filed its findings and opinion herein;

On the basis of said findings and opinion and pursuant to section 12 (d) of said Act

It is ordered, That said application be and it hereby is granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–9560; Filed, June 14, 1943; 10:07 a. m.]

SOLID FUELS ADMINISTRATOR FOR WAR.

[Order 1830]

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL OF CERTAIN MINES OF COMMONWEALTH OF PENNSYLVANIA

The Secretary of Welfare of the Commonwealth of Pennsylvania has advised that she expects the mines of the Commonwealth operated at the Mayview State Hospital, at Mayview, and the Woodville State Hospital, at Woodville, Pennsylvania, to continue in normal and regular operation; that the workers at these mines are employees of the Commonwealth; and that all coals produced at these mines are consumed entirely by the institutions of the Commonwealth.

The possession and control by the Government of the aforesaid mines are ac-

cordingly no longer required for the furtherance of the war program.

Having so determined, I hereby order and direct that possession and control by the Government of the aforesaid mines and the appointment of G. S. Llewelyn and R. J. Phifer, operating managers for the United States for the respective mines, be, and hereby are, terminated: *Provided, however,* That this order terminating Government possession and control and the appointment of the aforesaid operating managers for the United States for the affected mines shall be deemed revoked and of no force and effect if within fifteen days after the date of said order, the agreement set forth below is not properly executed and returned to the Solid Fuels Administrator for War, Washington, D. C.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 11, 1943.

AGREEMENT

The undersigned, for the Department of Welfare and the Commonwealth of Pennsylvania, hereby covenants and agrees that the Government of the United States and its officials are hereby released from all claims by or on behalf of the Department or the Commonwealth by reason of the possession and control of the mines of the Commonwealth operated at the Mayview State Hospital, at Mayview, and the Woodville State Hospital, at Woodville, Pennsylvania, under Executive Order No. 9340 of May 1, 1943, and that the Department and the Commonwealth will hold the Government of the United States and its officials harmless with respect to any claims or liabilities arising out of acts performed during the period of such possession and control.

(Name)

(Title)

(Commonwealth of Pennsylvania)

[F. R. Doc. 43-9520; Filed, June 12, 1943; 10:13 a. m.]

WAR PRODUCTION BOARD.

[Certificate No. 80]

TRANSPORTATION AND DELIVERY OF FLOWERS IN COLUMBUS, OHIO

The ATTORNEY GENERAL:

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Columbus, Ohio.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: June 8, 1943.

DONALD M. NELSON,
Chairman,
War Production Board.

[F. R. Doc. 43-9498; Filed, June 12, 1943; 9:41 a. m.]

[Certificate No. 81]

TRANSPORTATION AND DELIVERY OF LAUNDRY AND DRY CLEANING IN CLEVELAND AND CUYAHOGA COUNTY, OHIO

The ATTORNEY GENERAL:

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein in the transportation and delivery of laundry and dry cleaning by motor vehicle in Cleveland and Cuyahoga County, Ohio.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: June 9, 1943.

DONALD M. NELSON,
Chairman,
War Production Board.

[F. R. Doc. 43-9499; Filed, June 12, 1943; 9:41 a. m.]

[1] *Supra.*

[Certificate No. 82]

TRANSPORTATION AND DELIVERY OF DAIRY PRODUCTS IN ROCHESTER, NEW YORK AREA

The ATTORNEY GENERAL:

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of dairy products in Rochester, New York, and neighboring municipalities.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: June 10, 1943.

DONALD M. NELSON,
Chairman,
War Production Board.

[F. R. Doc. 43-9500; Filed, June 12, 1943; 9:41 a. m.]

[Certificate No. 83]

TRANSPORTATION AND DELIVERY OF FLOWERS IN DETROIT, MICH., AREA

The ATTORNEY GENERAL:

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in the Detroit, Mich., metropolitan area.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Dated: June 10, 1943.

DONALD M. NELSON,
Chairman,
War Production Board.

[F. R. Doc. 43-9501; Filed, June 12, 1943; 9:42 a. m.]